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NORTH AMERICA.

No. 2. (1864.)

CORRESPONDENCE

RESPECTING THE

CAPTURE OF THE "SAXON"

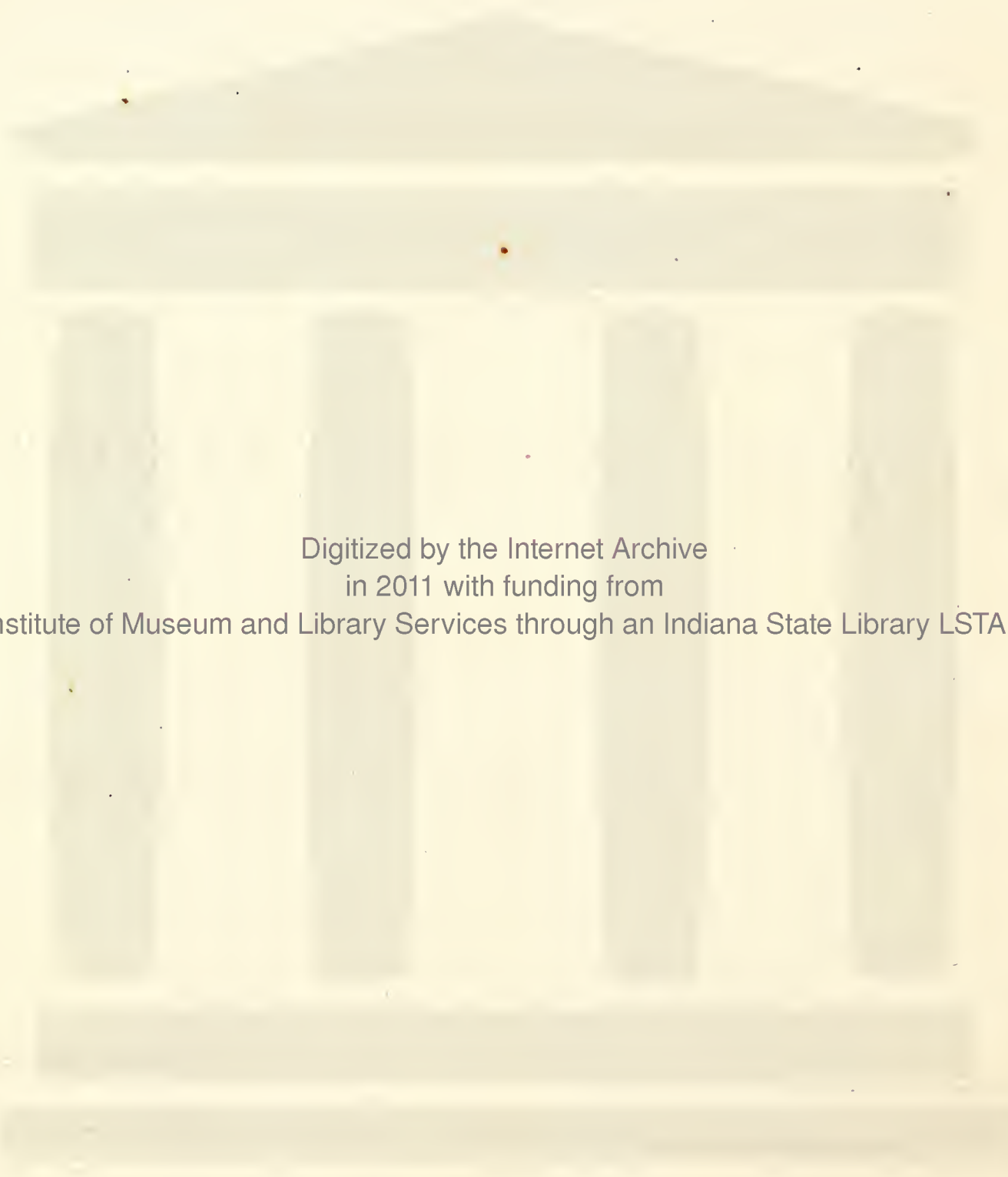
BY THE

UNITED STATES' SHIP "VANDERBILT."

Presented to the House of Commons by Command of Her Majesty.
1864.

LONDON:

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Correspondence respecting the Capture of the "Saxon" by the United States' ship "Vanderbilt."

No. 1.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 23.)

Sir, *Admiralty, December 22, 1863.*
I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 17th ultimo, from Rear-Admiral Sir Baldwin Walker, with its inclosures, reporting the proceedings of the United States' ship-of-war "Vanderbilt" at the Cape of Good Hope, after her return from the Mauritius, and the seizure by that ship of the colonial vessel "Saxon" at Angra Pequena.
I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 1.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, *"Narcissus," in Simon's Bay, November 17, 1863.*
I BEG you will inform the Lords Commissioners of the Admiralty that the United States ship-of-war "Vanderbilt," after leaving this port on the 11th September last, proceeded to Mauritius, in search I believe of the Confederate ships "Alabama" and "Georgia;" not finding either of those vessels, she returned to Table Bay to coal and provision on the 22nd ultimo.

When this vessel first touched at this port, the commander requested to be supplied with coals and provisions, which, on the supposition that he had not received any at a British possession for three months, having it was believed come last from Rio de Janeiro, his demands were complied with. It was subsequently ascertained that the "Vanderbilt" had touched at St. Helena and received about 400 tons of coal, all that was there.

Under these circumstances, with the fact of her having obtained coal at Mauritius, on the question being raised, I expressed to the Governor of this colony my opinion that no further supplies should be given her here, in accordance with the provisions of Earl Russell's letter for the preservation of strict neutrality. The "Vanderbilt" did not, therefore, receive any coal, and left Table Bay on the 27th ultimo, proceeding northward.

On the 6th instant I received a letter from some merchants at Cape Town (a copy of which is inclosed) reporting that the "Vanderbilt" had met the colonial vessel "Atlas" and subjected her to very close examination, and as it appeared to be probable that Commander Baldwin would proceed to Ichaboe for the purpose of searching some English vessels there, I dispatched the "Valorous" to that island to prevent anything of the kind, and to acquaint the American captain, if he was not aware of it, that it is a British possession.

The "Valorous" returned to this port on the 15th instant, reporting (see Inclosure No. 2) that the "Vanderbilt" had visited Angra Pequena on the west coast of Africa, and having found there the colonial vessel "Saxon" (lately employed in conveying cattle to Ascension) loading with wool, stated to have been part of the cargo of the "Tuscaloosa," disembarked there (a vessel captured by the "Alabama" and constituted a tender, but which vessel was not condemned in any Prize Court, as stated in my letter No. 86 of the 19th August last). Commander Baldwin seized her, and sent her as a prize to New York, putting the crew into a small English schooner, now on her way to Table Bay. The "Valorous" did not fall in with the "Vanderbilt," nor had that vessel been

at Ichaboe; it was also reported to Captain Forsyth that the mate of the "Saxon" had been shot, but under what circumstances he could not learn.

It is stated that the "Vanderbilt" took in 250 tons of coal, said to belong to Messrs. de Pass, Spence, and Co., of Cape Town, from an island at Angra Pequena.

I should remark that Angra Pequena lies beyond the colonial territory, but our merchants have been there collecting guano, &c.

The "Valorous" did not find any vessels whatever at Ichaboe, and therefore returned to this anchorage on the 15th instant.

I have, &c.
(Signed) B. W. WALKER.

P.S.—It is stated in the public papers that Penquin Island, at Angra Pequena, near which the "Saxon" is said to have been seized, and whence the coal was taken by the "Vanderbilt," is a British possession, and was annexed to the Cape Colony at the same time as Ichaboe, but of this circumstance I am not aware, my instructions being only to take possession of the island of Ichaboe.

Inclosure 2 in No. 1.

Captain Forsyth to Rear-Admiral Sir B. Walker.

Sir,

"Valorous," at Simon's Bay, November 15, 1863.

IN compliance with orders contained in your letter of the 7th instant, I put to sea in Her Majesty's ship, under my command, at 8.30 P.M. the same evening. On the afternoon of the 10th I arrived at Angra Pequena. Finding no vessels at that anchorage, I dispatched boats to the islands in the vicinity, and also to the mainland, to make inquiries respecting the movements of the United States war-steamer "Vanderbilt." The result was that, from information obtained from four men engaged in collecting guano, she had anchored there on the 30th ultimo, and found the English barque "Saxon," belonging to Messrs. Saxon, Anderson, and Co., of Cape Town, taking in wool, she immediately seized and took forcible possession of the same. It was alleged as the reason for so doing, that she (the "Saxon") had on board wool that had been previously disembarked by the "Tuscaloosa" prize to the Confederate war-steamer "Alabama." The crew of the captured vessel, with the exception of the mate, who was shot (but under what circumstances I could not ascertain), was put on board the British schooner "Isabel," in order to be forwarded to Cape Town. The "Saxon" left the 1st instant,—it is reported for New York.

Early on the morning of the 11th I proceeded to the island of Ichaboe, and there heard that the "Vanderbilt" sailed from Angra Pequena on the 2nd, after having taken on board coals that were deposited at Penquin Island in that harbour, the property of Saxon, Anderson, and Co. I was also informed that the "Isabel" had gone to the northward on the coast completing her cargo, preparatory to her return to Cape Town. From orders precluding my searching further to the northward for the "Vanderbilt" than Ichaboe Island, I made the best of my way to rejoin your flag, and beg to report my arrival here this morning.

I have, &c.
(Signed) CHARLES C. FORSYTH.

Inclosure 3 in No. 1.

Messrs. Saxon and Co. to Rear-Admiral Sir B. Walker.

Sir,

Cape Town, November 6, 1863.

WE have the honour to report that the schooner "Atlas," belonging to the second Undersigned, arrived at this port on the 4th instant; and the master reports that he was boarded a few days previous in sight of the coast by an armed boat from the United States' steamer "Vanderbilt," and that he was called upon by the officer in charge and made to show his log-book and papers; after which the vessel's cabin and hold were searched throughout, and the vessel detained a considerable time.

The master of the "Atlas" further reports that the officer in charge inquired respecting the movements of the vessels on the coast, and mentioning the names of two belonging to us that are at present loading guano at the British island of Ichaboe, and stating his intention of subjecting those vessels to the same ordeal and indignities.

We would respectfully solicit your Excellency that this is most unusual conduct on the part of a foreign vessel of war on a colonial coast, and as this is calculated very seriously to interfere with British commerce, we would solicit your taking such steps as to you may be considered best.

We have, &c.
(Signed) WM. ANDERSON, SAXON & CO.
DE PASS, SPENCE & CO.
Pro R. GRANGER & CO.
G. N. EBDEN.

No. 2.

Mr. Elliot to Mr. Hammond.—(Received December 24.)

Sir

Downing Street, December 24, 1863.

I AM directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, copies of two despatches from the Governor of the Cape of Good Hope, with a copy of another from the Governor of St. Helena, respecting the movements and proceedings of the United States' sloop-of-war "Vanderbilt."

By two of these despatches it will be seen that there is ground to apprehend that this sloop has seized a British vessel unlawfully. The next despatches from the Cape may be expected to bring fuller particulars and more direct evidence, but in the meanwhile the Duke of Newcastle loses no time in putting Earl Russell in possession of so much information as has as yet been received on the subject.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 2.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, October 26, 1863.

I HAVE the honour to report to your Grace, that the United States' war-steamer "Vanderbilt," has again visited this colony.

On her arrival in Table Bay, the Commander landed and delivered to me a letter, in which he represented himself to be in want of coals and repairs. On my objecting, with regard to the former, that three months had not elapsed since he had taken in a supply at Simon's Bay, he urged, that under Her Majesty's instructions the Governor of a colony possessed the power to grant "special permission," as an exception to the general regulations on the subject, and he added, that it was within his own knowledge that the Confederate steamer "Georgia" had called at Barbadoes twenty-seven days after coaling at the Bahamas; that the "Florida" had at Bermuda taken in coals sufficient for a month, when three days would have taken her to a Confederate port, and that he himself had lately been allowed to coal at the Mauritius, although the Governor was aware of his having coaled at Simon's Bay. I informed him, that I would send an answer to his application on the following day, and accordingly, after duly considering all the circumstances of the case, I directed the Colonial Secretary to acquaint him, that I did not feel at liberty, under all the circumstances of the case, to grant "special permission" for the shipment of the coals.

I inclose copies of the correspondence, and trust your Grace will approve of the decision.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 2 in No. 2.

Commander Baldwin, U. S. N., to Sir P. Wodehouse.

Sir,

"Vanderbilt," Cape Town, October 22, 1863.

I HAVE the honour to make known to your Excellency the arrival here of this ship.

I have come to this harbour for the purpose of making some necessary repairs to my machinery, and also to get a supply of fuel.

I therefore ask your Excellency's permission to lie here for the above-mentioned purposes the necessary time, say, from four to six working days.

I have, &c.
(Signed) CHAS. K. BALDWIN.

Inclosure 3 in No. 2.

The Colonial Secretary to Commander Baldwin, U. S. N.

Sir,

Colonial Office, October 23, 1863.

I AM directed by the Governor to acquaint you, that he has given his best consideration to the letter which he had the honour of receiving from you yesterday, as well as to the verbal representations you made to him relative to the issue of coals to American vessels-of-war by the "special permission" of the Governors of other British colonies, as an exception to general directions of the British Government on the subject.

Looking to the stringent nature of the instructions he has received, the Governor entertains some doubt whether the authority to grant "special permission" be really vested in himself. But he considers that there are special circumstances affecting the ship under your command sufficient in themselves to guide him in dealing with your application.

It has been the unvarying desire of Her Majesty's Government to abstain, as far as practicable, from affording to either of the parties engaged in the American civil war, assistance in the prosecution of hostilities towards each other; and accordingly, in regulating the issue of coals at British ports to their ships-of-war, the object has manifestly been to restrict those issues to the supplies needed for carrying them to some defined destination in foreign parts, or from some foreign port to their own country, and not to facilitate their cruising for an indefinite period for purposes of the war.

Applying this principle to the case of the "Vanderbilt" the Governor finds that on her way from South America to the Cape she coaled at the British colony of St. Helena; that shortly after that she coaled again at Simon's Bay, and that after remaining in the neighbourhood of our ports for a time, she proceeded to Mauritius, where she coaled again, and then returned to this colony.

It is also matter of notoriety that the object of her movements has been to intercept the Confederate cruisers which have lately visited our shores. Under these circumstances, with the information now before him, the Governor believes that he would be acting in opposition to the spirit of Her Majesty's instructions if he were to grant "special permission" for the issue of coals within the limited term of three months.

His Excellency has no objection to offer to your remaining in port for the time required for the completion of indispensable repairs.

I have, &c.
(Signed) RAWSON W. RAWSON.

Inclosure 4 in No. 2.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, November 20, 1863.

WITH reference to my recent despatches respecting the Federal and Confederate war-steamers "Vanderbilt" and "Alabama," I have the honour to forward communications received from the naval Commander-in-chief of this station, from which your Grace will learn that acts of very questionable legality have been committed by the Federal steamer "Vanderbilt."

As the crew of the captured vessel have not yet reached Cape Town, I am not in a position to supply your Grace with more precise information by this mail.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 5 in No. 2.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

Sir,

"Narcissus," Simons Bay, November 15, 1863.

I BEG to forward for your Excellency's information, the copy of a letter I have received from Captain Forsyth, of Her Majesty's ship "Valorous," who has this morning returned to this anchorage from Ichaboe, reporting the capture of the colonial vessel "Saxon," by the United States' ship-of-war "Vanderbilt," at Angra Pequena, on the 30th ultimo.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 6 in No. 2.

Captain Forsyth to Rear-Admiral Sir B. Walker, November 15, 1863.

[See Inclosure 2 in No. 1.]

Inclosure 7 in No. 2.

Sir C. Elliot to the Duke of Newcastle.

My Lord Duke,

St. Helena, November 17, 1863.

THE United States' sloop "Vanderbilt" called off this port on the 10th instant, but did not anchor. Commander Baldwin was so good as to send me a few newspapers, from which I collect that he had come on from the Cape of Good Hope, after having been as far to the eastward as the Mauritius. The "Vanderbilt" left this place, steering about west-north-west.

2. I learn from an officer who visited the "Vanderbilt," that it was said on board she had called at Angra Pequena Bay, and captured there or in that neighbourhood the British barque "Saxon," belonging, as I am informed, to a firm at Cape Town. It was said that this barque had on board part of the cargo of the American barque "Sea Bride," taken a few months since by the "Alabama," and armed, as I am informed, from that vessel, either as a tender to the Confederate ship, or under a commission, said to be issued by the Commander of the "Alabama." It has also been stated here that the "Vanderbilt" found and appropriated a considerable quantity of coal at Angra Pequena, intended for the "Alabama;" whether waterborne or on shore I cannot say.

3. Your Grace will probably have correct particulars of the case direct from the Cape, but I have thought it right to mention what has reached me upon the subject.

I have, &c.
(Signed) CHARLES ELLIOT.

No. 3.

Messrs. Sinclair, Hamilton, and Co., to Earl Russell.—(Received January 5.)

My Lord,

11, St. Helen's Place, London, January 4, 1864.

WE have the honour to address your Lordship as the Agents in this country of Messrs. W. Anderson, Saxon, and Co., Cape Town, Cape Good Hope, with reference to the seizure by the United States steamer "Vanderbilt," of the British barque "Saxon," belonging to them.

We are informed that that vessel has been sent to New York in charge of a prize crew. The original crew are, we believe, now at Cape Town, except the chief mate, who is said to have been killed, but as the crew had not arrived at the date of the last advices, we must await arrival of the next mail before we can lay before your Lordship the depositions of the master and crew of the "Saxon."

We presume your Lordship is already in possession of the information collected by the Commander of Her Majesty's ship "Valorous." Our information is, that the "Saxon" was seized while at anchor, as we believe, in British waters. The ground of the seizure is alleged to be, that the "Saxon" had on board cargo that had been landed by the Confederate vessels-of-war and had been taken from Federal prizes. We have no detailed information on this subject, but assuming the fact to be as stated, we are advised that it would form no ground for the seizure of the ship.

We have further to inform your Lordship, that Messrs. W. Anderson, Saxon, and Co., had stored, on Penguin Island, British territory, 250 tons of coals, which are reported to have been either seized or destroyed by the Commander of the "Vanderbilt." For the present we shall abstain from remarking further on this proceeding until we receive direct evidence of the facts; but in the meantime we have to beg that your Lordship will cause such steps to be taken as may be necessary for the protection of our friends Messrs. Anderson, Saxon, and Co., whose rights as British subjects have thus been infringed.

We have, &c.
(Signed) SINCLAIR, HAMILTON & CO.

No. 4.

Mr. Hammond to Messrs. Sinclair and Co.

Gentlemen,

Foreign Office, January 6, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 4th instant, respecting the seizure of the barque "Saxon" by the United States steamer "Vanderbilt;" and I am to inform you that this case is under the consideration of Her Majesty's Government.

I am, &c.
(Signed) E. HAMMOND.

No. 5.

Consul Archibald to Earl Russell.—(Received January 9.)

My Lord,

New York, December 23, 1863.

I HAVE the honour to transmit, herewith enclosed, for your Lordship's information, a copy of my despatch of this date to Lord Lyons, reporting the arrival at this port of the barque "Saxon," in charge of a prize crew.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 1 in No. 5.

Consul Archibald to Lord Lyons.

My Lord,

New York, December 23, 1863.

I HAVE the honour to report to your Lordship the arrival at this port, in charge of a prize crew, from the United States ship "Vanderbilt," of the British barque "Saxon" of Cape Town.

The "Saxon" was captured by the "Vanderbilt" at Angra Pequena, on the West Coast of Africa, on the 29th October last. Her cargo consists principally of wool, and is stated to have been part of the cargo of the American barque "Conrad," heretofore captured by the Confederate States' ship "Alabama." The enclosed slip from the newspapers of this morning contains all the information I have as yet obtained in reference to this capture.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 2 in No. 5.

Report of the Capture of the "Saxon."

The barque "Saxon," captured on the west coast of Africa by the cruizer "Vanderbilt."

THE barque "Saxon," of Cape Town, Cape of Good Hope, arrived at this port last evening, from Angra Pequena, West Coast of Africa, in charge of Acting-Master E. S. Keyser, of the United States' steamer "Vanderbilt." The "Saxon" was captured by the "Vanderbilt" on the 28th of October, at the above place, about four hundred miles north of the Cape of Good Hope. She had on board part of the cargo of the barque "Conrad," which vessel was captured by the privateer "Alabama," and afterwards converted into the privateer "Tuscaloosa." The cargo is principally wool.

The "Saxon" was formerly the American barque "Lucy Johnson," of New London, but was wrecked at Table Bay, and was subsequently purchased by Messrs. Anderson and Saxon, of Cape Town; she is about 250 tons burthen.

The "Vanderbilt," also, found at Penguin Island, 200 tons of coal, which had been left there for the benefit of the rebel privateers. It was confiscated by the Captain of the "Vanderbilt." All on board the "Vanderbilt" are well.

No. 6.

Consul Archibald to Earl Russell.—(Received January 19.)

My Lord,

New York, January 5, 1864.

REFERRING to my despatch, of the 23rd ultimo, reporting the capture and arrival at this port of the barque "Saxon," of Cape Town, I now have the honour to transmit, herewith inclosed, for your Lordship's information, a copy of my despatch of this date to Lord Lyons, reporting the further proceedings in the case of the "Saxon," and inclosing a copy of a deposition made before me by the late second mate of that vessel.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 1 in No. 6.

Consul Archibald to Lord Lyons.

My Lord,

New York, January 5, 1864.

REFERRING to my despatch of the 23rd ultimo, in reference to the capture and arrival at this port of the barque "Saxon" of Cape Town, I now have the honour to report that testimony *in preparatorio* has been taken before the Prize Commissioners, and a libel has been filed, the process on which is returnable on the 19th instant. I have accordingly directed an appearance and claim to be entered in my name, as Consul, on behalf of absent owners of vessel and cargo, who appear to have no agent or correspondent at this port, in order to prevent a judgment by default, and to gain time for their defence, and for proof in support of their claims.

Of the crew of the "Saxon" the captors brought over the second mate, named David Aitcheson, and the cook, named William Johnson. I was yesterday enabled to obtain the deposition of the second mate in relation to the circumstances connected with the capture of the "Saxon," and more especially respecting the shooting of the chief mate, James Gray, by a Mr. Donohoe, an officer of the "Vanderbilt," who was at the time on duty on board the "Saxon."

The second mate, Aitcheson, is a very intelligent young man, and from the statements in his deposition, a copy of which I have the honour to transmit, herewith inclosed, for your Lordship's information; the shooting of the mate Gray appears to have been an act of wilful murder. I presume that a report of the facts of the case will, before this time, have reached Her Majesty's Government from Cape Town. The second mate has shipped at this port on board the barque "Cleveland," a British vessel which sailed from hence yesterday, bound for London, where he can be had for further examination, if requisite. I have been unable to obtain the name and address of the

consignees in London, of the "Cleveland." The name and address of the owner is Solomon Mease, North Shields.

I have not as yet been able to procure the attendance before me of William Johnson, the cook of the "Saxon." I am informed, however, by the second mate, that he, the cook, was not a witness of the shooting of the mate by the officer, Donohoe.

I have, &c.

(Signed)

E. M. ARCHIBALD.

Inclosure 2 in No. 6.

Affidavit of the Second Mate of the "Saxon."

British Consulate, New York.

DAVID AITCHISON, a native of Dundee, Scotland, mariner, of the age of 29 years, at present at New York, maketh oath, and saith as follows :

On the 23rd of August last I shipped at Cape Town on board the barque "Saxon," of Cape Town, Stephen Sheppard, master, for a voyage to Ascension, Angra Pequena, and Falmouth, for orders. I shipped as second mate ; the mate's name was James Gray, a native of Aberdeen, Scotland. We sailed from Cape Town early in September ; I do not remember the day, and proceeded to Ascension. We carried cattle and forage, being partly in ballast. We landed the cattle at Ascension, where we remained seven days, and then proceeded to Angra Pequena, on the west coast of Africa, where we arrived about the middle of October. About the 23rd of October we began to take in cargo. We were delayed in loading owing to the absence of the agent, Captain Boyce, who had gone down to leeward. We laded 156 bales of wool and hides ; 30 of the bales were hides. We were five days in loading. The wool and hides were lying on the shore, and were brought off in a large flat-bottomed boat. On the day that the loading of the "Saxon" was completed, the United States' steam ship "Vanderbilt" arrived at Angra Pequena, and anchored about a mile or a mile and a half from us. She sent a boat with two officers and a crew on board of the "Saxon." One of the officers was named Donohoe ; he was an acting master's mate. The officer in charge of the boarding party had some conversation with Captain Sheppard, and had the after-hatch taken off, and looked at the cargo. He demanded the ship's papers, which were handed to him by Captain Sheppard, who asked to have them back, as he was loaded and ready for sea. The officer refused to return them, and said he would take them on board the "Vanderbilt." The officer then returned with the boat's crew to the "Vanderbilt," taking the papers, and leaving on board the "Saxon" the officer Donohoe above mentioned, in charge of the "Saxon." We then went to dinner in the cabin of the "Saxon ;" that is, Captain Sheppard, the mate James Gray, the officer Donohoe, and myself. Donohoe well knew Gray to be the mate of the barque. Late in the afternoon three boats' crews from the "Vanderbilt" came on board of us, being in all about fifty men, all armed. The men all had a glass of grog on board the "Saxon," being wet in coming on board. The officer in charge of the whole party was a Lieutenant Keefe ; he said his orders were to get the barque under weigh, and bring her down the lagoon.

By this time the "Vanderbilt" sighted a barque outside, and proceeded to sea after her. The "Saxon" was then got under weigh, and proceeded a short way down the lagoon, and then anchored again. Captain Sheppard asked Mr. Keefe for permission to send on shore some salt beef, pork, and bread for six men, who had been assisting in loading the "Saxon," until a supply should come for them from Cape Town. Lieutenant Keefe granted permission, and a signal being made for the six men, they came off in their boat. They were men who carried on the business of digging guano, and sealing, and had been for eight months and upwards at that and other neighbouring places on the coast, under charge of Captain Boyce. When the men came on board they went to get their provisions out of the cask, under the superintendence of the master and mate of the "Saxon." There was some little confusion, and Lieutenant Keefe told Captain Sheppard that the men had got enough provisions, and ordered Captain Sheppard and the mate Gray to go into the cabin. Mr. Keefe and the Captain proceeded aft together, and went up the steps of the poop, the mate following close after them. The Captain went down the companion way into the cabin, and as the mate went up the steps of the poop, and was going aft towards the companion way, the officer Donohoe, above-mentioned, who was stationed at the break of the poop, called him back, and took hold of him, trying to stop him. A stout man, belonging to the "Vanderbilt," who stood behind

Donohoe, pushed the mate forward, at the same time that Donohoe also took hold of the mate to push him forward. The mate being thus pushed was falling forward, down the poop steps, when Donohoe fired at him with a revolver, and shot him,—the ball entering the mate's head below the right ear. The mate fell on the deck apparently dead. I was standing near the mainmast at the time of the occurrence, and saw all that passed. I was about six or eight yards distant. On seeing Gray fall I immediately went to him, and lifted up his head. He never spoke, and must have been dead within half a minute after falling. As I took the mate's head on my knee, I heard Donohoe say, "We must obey orders," or, "he must obey orders,"—I am not sure which. About a minute afterwards he added, "Well, it is an accident, my revolver was cocked." On hearing the report of the revolver Captain Sheppard came running out of the cabin, and saw Gray lying on the deck, and said to me, "Is Gray dead?" I replied, "Yes, Sir." He said, "Poor Gray, he has been with me for six years." Lieutenant Keefe, who was standing on the poop, called out, "Is that man dead?" Several of us replied "Yes." He said "Then put him down the after-hold, and put the hatches on." The body was put down there accordingly. When Mr. Donohoe stopped the mate, the mate said he belonged aft, and he wanted to go to his cabin. When the revolver was fired, all the men of the "Vanderbilt," who were on board, drew their cutlasses, which frightened the six men who had come from the shore, and they thereupon rushed over the vessel's side into their boat and went ashore.

The whole of the men from the "Vanderbilt" remained on board the "Saxon" all night and until the afternoon of the next day, when the "Vanderbilt" returned from sea. We had our flag half-mast. A boat was sent from the "Saxon" on board the "Vanderbilt," to tell them of the mate's having been shot. On the same evening the corpse was buried on the shore. That night the prize-crew came on board, consisting of a Captain Keyser and fifteen hands, and the next day the "Saxon" was got under weigh, and proceeded to New York. Captain Sheppard, and ten of the crew, were landed at Angra Pequena. Myself and the cook, William Johnson, a coloured man, were brought on to New York. I assisted in working the barque over, under the orders of the Prize-Master. I had charge of a watch. We arrived at New York on the 22nd ultimo. I was detained one day on board of the guard ship, and for two days in the House of Detention, and gave my evidence before the Prize Commissioners. I told them about the shooting of the mate, but they did not take down my evidence on that point.

(Signed) DAVID AITCHISON.

Sworn by the said David Aitchison at the British Consulate, New York, this 4th day of January, A.D., 1864, before me.

(Signed) E. M. ARCHIBALD,
Her Britannic Majesty's Consul.

No. 7.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, January 21, 1864.

THE fact of the capture of the British vessel "Saxon," at Angra Pequena, on the Coast of Africa, by the United States' steamer-of-war "Vanderbilt," will have been made known to your Lordship by the arrival of that vessel at New York, in charge of a prize crew. I inclose, for your information, copies of the papers relating to the transaction which have been transmitted to this office from various quarters.

I should inform you that Angra Pequena is not a possession of the British Crown, though situated at no great distance from Her Majesty's possessions on that coast.

The Law Officers have not yet sufficient information before them to enable them to form a definitive opinion on the subject, and you will see by the inclosed copy of a letter which has been addressed by my direction to the Admiralty, to the Colonial Office, and to Messrs. Sinclair, Hamilton, and Co., that I am endeavouring to obtain it for them.

In the meantime, however, I have to instruct your Lordship to call the attention of the Government of the United States to the apparently extraordinary circumstance of the capture at so great a distance from American waters of a British colonial vessel, which was certainly not exposed to the suspicion of contemplating any breach of blockade, or, so far as appears, of carrying contraband of war to the enemies of the United States; and your Lordship will request the Government of the United States either to direct the immediate release of the "Saxon," with proper compensation to the owners, or at least to explain the ground on which her seizure and detention are supposed to be justified.

I received the day before yesterday from Mr. Consul Archibald a copy of the deposition which has been communicated to your Lordship respecting the murder of the mate of the "Saxon," at the time of her capture by one of the officers of the "Vanderbilt," and as soon as I have been able to ascertain the view taken by the Law Officers of the transaction, I shall furnish your Lordship with such special instructions on that feature in the case as they may recommend.

I am, &c.
(Signed) RUSSELL.

No. 8.

*Mr. Hammond to the Secretary to the Admiralty.**

Sir,

Foreign Office, January 21, 1861.

I AM directed by Earl Russell to request that you will acquaint the Lords Commissioners of the Admiralty, that his Lordship has been in communication with the Law Officers of the Crown on the subject of the capture, at Angra Pequena, on the coast of Africa, of the British vessel "Saxon," by the United States' steamer "Vanderbilt," to which the attention of this Office was called by your letter of the ^{22nd ultimo,} ^{24th ultimo,} ^{4th instant,} and by similar communications received from other quarters.

The Law Officers have, however, stated to Lord Russell, that they cannot finally advise his Lordship as to the course which should be taken in the matter, without having before them a fuller communication of facts; and they desire particularly to be informed, when, and by what means, and for what consideration, or under what arrangements, the "Saxon" became interested or concerned in the shipment or carriage of the wool taken by the "Alabama," in the "Sea Bride,"† which had been deposited at Angra Pequena; and whether the coals, stated to have been seized by the "Vanderbilt," were, at the time of seizure, on ship-board or on land, and whether they had been conveyed or had been deposited in the place where they were found by the "Saxon" for any purpose connected with the supply of the "Alabama."

I am to request that you will [move the Lords Commissioners of the Admiralty to take such steps as they may judge most calculated to] enable his Lordship to lay before the Law Officers the information desired by them on the several points to which I have adverted.

I am, &c.
(Signed) E. HAMMOND.

No. 9.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 23.)

Sir,

Admiralty, January 22, 1864.

WITH reference to your letter of yesterday, I am commanded by my Lords Commissioners of the Admiralty to state, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker will be called upon to report on the points therein mentioned with regard to the case of the British vessel "Saxon," captured at Angra Pequena by the United States' steamer "Vanderbilt."

My Lords would suggest that information on this subject might also be obtained from the Governor of the Cape of Good Hope.

I am, &c.
(Signed) C. PAGET.

No. 10.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 29.)

Sir,

Admiralty, January 25, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, and with reference to previous correspondence, a

* A similar letter was sent to Colonial Office and Messrs. Sinclair, Hamilton, and Co.

† For the "Sea Bride," read the "Tuscaloosa."

‡ The passage in brackets omitted to Messrs. Hamilton.

copy of a letter, dated the 17th ultimo, from Rear-Admiral Sir Baldwin W. Walker, Bart., respecting the seizure of the British colonial vessel "Saxon," at Angra Pequena, by the United States ship-of-war "Vanderbilt," together with copies of the statements of the Master and crew of the "Saxon" of the circumstances attending the seizure.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 10.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay, December 17, 1863.

REFERRING to my letter, dated the 17th ultimo, reporting the seizure of the British colonial vessel "Saxon," on the 30th October last, by the United States' ship-of-war "Vanderbilt," at Angra Pequena, on the south-west coast of Africa, I beg to inclose, for their Lordships' information, the statements of the Master and crew of the "Saxon," who have since returned to Cape Town, containing full particulars of the proceedings of the American officers and of the death of the chief mate of the "Saxon," who was shot by one of them after the seizure of the vessel.

It is alleged that Penguin Island, at Angra Pequena, near to which the "Saxon" was lying, is British territory. I find, on inquiry, it was annexed to this colony in August, 1861, together with Ichabo and others, as a guano island, by a proclamation of Sir George Grey, subject to the approval or disapproval of Her Majesty's Government, but it does not appear to have been confirmed or noticed in any way from home.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 10.

Statement of the Master of the "Saxon."

I SAILED from Ascension on the 26th September, and arrived at Angra Pequena on the 16th October.

On the 27th I commenced taking in cargo—skins and wool. On October 30th, at 11 A.M., we finished loading. The carpenter then commenced to batten down the hatches, the men being employed in clearing decks, and securing spars, and getting ready for sea.

About 1, P.M. we saw a steamer rounding Angra Point, which proved to be the Federal man-of-war "Vanderbilt." She came to an anchor abreast of Penguin Island, lowered a boat, and sent it on board the "Saxon," with two officers and a boat's crew, all armed. At 1.30 P.M., she boarded us, and the officer asked where I was from. I told him from Ascension.

He then asked how long I had been at Angra Pequena; and I told him. He also asked what my cargo consisted of; and I told him.

He then requested me to show him my papers. I asked what authority he had to look at my papers. He said Captain Baldwin had sent him to look at the ship's papers; and added, "It is of no use, Captain, I must see your papers." I then showed him the ship's papers. He read them and said, "Skins and wool; that will do," and went on deck, taking the papers with him.

He looked down the hold, and asked me if I knew where the skins and wool came from. I told him that all I knew about it was, that I had come there to take it in. He then told me he must take my papers to Captain Baldwin, and would leave an officer on board to make a signal in case I should attempt to move the ship. I told him I was ready for sea, and would go, papers or no papers, and take with me the officer he might leave.

He then said I had better try it, as the steamer would go faster than we could. He then left the ship, leaving a junior officer on board. At the same time that the officer left my ship, a second boat, with another officer and crew, all armed, put off from the steamer. They came on board about 2.30 P.M., and took charge, placing armed men all round the ship, and driving my crew below.

The officer never reported to me that he had come to take charge, until I went to him and asked him what he had come to do. His answer was, "Who are you, sir?" I told him that I was the Master of the ship. He replied, "You are now no more Master of this vessel, and I will thank you to go below, and give no more orders, sir; further, I will not allow you to speak to any of the ship's company. I told him he might as well have behaved as a gentleman, and have come to me and told me what his business was, instead of taking charge without acquainting me with his intention, and before Captain Baldwin had seen my papers. He then ordered me below. About 4 P.M., the island men that were helping to load the ship, came alongside in a boat with some fish, and asked for some meat and bread, as they had had nothing to eat since breakfast. I told my chief officer he might give them some, but that he must first ask the officer in charge of the ship. He did so; and the officer in the first instance said they might have some, but afterwards changed his mind, and with impious imprecations said they should not have a bit. I then said to the officer, "Let us go forward and give them some." He said, "No, you shall not go forward, and they shall not have anything from the ship." I then said, "They shall have something to eat," and was going forward when the officer ordered his men to stop me, and take me below, which they did, the officer at the same time saying, "My fine fellow, if you don't go below, I will very soon put you where the dogs wont bark at you." I had been below about nine or ten minutes, with a sentry over me, when I heard the report of a pistol. I instantly rushed on deck, and was told they had shot the mate. I went to support the mate in my arms. He never moved or spoke. He was shot dead. I said to the officer in charge, "Why have you shot my mate?" His reply was, "It was an accident." I then asked the junior officer, who shot the mate, and why he did it? He said, "Poor fellow, I am sorry for him; but I must obey orders." They then hove up the anchor, and dropped the "Saxon" abreast of Penguin Island.

The "Vanderbilt," at this time was in chase of another vessel that hove in sight. She returned next morning. Captain Baldwin sent for me on board the "Vanderbilt." Upon my going on board, Captain Baldwin addressed me thus:—"You are Captain Sheppard, of the barque 'Saxon'?" "Yes, sir," I replied. "Well, Captain," he continued, "I am very sorry for you, but your papers are not satisfactory to me, and I must make a prize of the 'Saxon,' and send her to the prize authorities at New York. We know that it is the 'Tuscaloosa's' cargo that you have on board. It was brought here by the Confederates, and it is American property. That is the ground upon which I make a prize of your ship. I must do my duty to my country, and protect American property."

The "Vanderbilt" steamed into Penguin Island when I was on board of her, and commenced taking in coals that was on shore there. I told Captain Baldwin, the island was British territory. He replied, "I cannot help it; I want coal, and must have it." Captain Baldwin had a coffin made for Mr. Gray, the chief officer, and he was buried on the mainland on the 31st October, by the "Vanderbilt's" men. They would not allow of any of the ship's company, except myself, to follow him. On the 1st November they landed me and my crew on the mainland, with a little bread and water, not sufficient for one day, and our personal effects.

We walked along the coast to the shore opposite Halifax Island, to which we crossed in a boat. We arrived in the evening. On November 3rd, the schooner "Isabel," of Cape Town, Captain Roe, came in and took us on board. We proceeded to Ichaboe, and then to Hottentots' Bay, where we arrived on 10th November. On November 13th, we went on board the "Lord of the Isles," bound to Table Bay, where we arrived on 21st November.

Inclosure 3 in No. 10.

Statement of the Crew of the "Saxon."

Cape Town, November 23, 1863.

ABOUT 11 A.M. on the 31st October, while lying at anchor at Angra Pequena, we saw a large steamer, which afterwards turned out to be the "Vanderbilt," rounding the point. She dropped anchor, and lowered a boat, which pulled for us and boarded us. The officer, after looking at the ship's papers, said he would take them on board the "Vanderbilt," which he did, after leaving a junior officer in charge, with orders not to allow the anchor to be weighed. Captain Sheppard told him that he was quite ready for sea, and he intended getting under weigh immediately after dinner. The officer said he could not, as he had his papers. Captain Sheppard said, he would go, papers or not. The officer then went on board the "Vanderbilt," but returned almost immediately with another boat's crew, when he took charge.

About this time a whale-boat's crew (belonging to an island called Halifax,) came on board with some fish, when they asked Captain Sheppard for some bread and meat, as they had none in the boat.

The captain asked the American officer, who said that they might have some, but soon afterwards changed his mind, and said they might not. The men then appealed to Captain Sheppard, who said, "Heave it into the boat; if they stop you I can't help it." The American officer then came to Captain Sheppard and touched him on the shoulder, saying, "You had better go aft, you are giving too many orders here;" adding, "if you don't I'll put you where the dogs won't bark at you," laying his hand on his revolver at the same time.

The captain then went aft and was confined to his cabin under a sentry's charge.

A short time afterwards, Mr. Jamas Gray, the chief officer, went aft to go on the poop, but had only got to the top of the ladder, when a junior American officer, a Mr. Donoghoe, told him to go down; Mr. Gray did not go immediately, not exactly knowing what was the matter, when the officer repeated the order, saying, "If you do not, I will shoot you," at the same time shoving him. Mr. Gray's foot caught in one of the steps of the ladder, when he turned half round and looked up in the officer's face, who then drew a revolver and shot him dead. We attempted to go aft to pick up Mr. Gray, when the senior officer told his men to draw swords and drive us forward, which they did, abusing us at the same time. We went aft afterwards and found Captain Sheppard and the second mate supporting the mate's head. The ball had entered behind the left ear and gone down into his body. The officer who shot him said he was sorry for the man, but he should obey orders, adding, "There is some humbug about that boat," meaning the whale-boat, adding that five men came off in her, and seven were going on shore: that they were all "Alabama's" men, and they "ought to go on shore and do for the b——dy lot of them." He then pointed his pistol to the body of Mr. Gray, saying, that is one of the "Alabama's" men too. We were kept below all night, with orders not to come on deck without hailing the sentry, if we did not want to be shot.

They buried the body of Mr. Gray late in the morning opposite Penguin Island. The barque was dropped down where the "Vanderbilt" had been lying (but which was then in chase of a vessel in sight). The "Vanderbilt" came in next morning, and went inside Penguin Island, where she took in a lot of coals that were there, and went to sea next morning. We were landed on Sunday morning, and about a quarter of a bag of bread and a small keg of water. We then walked over the main land to a place opposite Halifax, when the men on the island came for us in a boat.

We stayed two days on the island when the schooner "Isabele" came in and took us down to Ichaboe, where we stayed a few days, when we went to Hottentots' Bay, where we went on board the brig "Lord of the Isles," and came to Cape Town.

No. 11.

Mr. Elliot to Mr. Hammond.—(Received January 30.)

Sir,
I HAVE laid before the Duke of Newcastle your letter of the 21st instant, relative to the capture at Angra Pequena, on the coast of Africa, of the British vessel "Saxon," by the United States' steamer "Vanderbilt," and I am directed by his Grace to transmit to you, for the information of Earl Russell, a copy of a despatch from the Governor of the Cape of Good Hope, containing the particulars which you state in your letter are required by the Law Officers of the Crown.

The Duke of Newcastle never heard until this time of the Act by which Sir George Grey assumed to annex various small islands off the same part of the coast of Africa as the Island of Ichaboe, and so far as at present advised, his Grace is not disposed to confirm the measure. As far as can be judged from the best map in this office, the islands by no means answer to Sir George Grey's description of "a cluster of small islands or rocks adjacent to" Ichaboe, but are situated at various distances from that island, one of them being at least fifty miles off.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in 11.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, December 18, 1863.

BY my despatch of the 20th ultimo I reported to your Grace that news had been received here of certain acts said to have been done by the United States' war steamer "Vanderbilt," on the coast to the northward of this colony, of which, at the time, I was unable to furnish any particulars; but I believe I am now in a position to transmit such information as will enable Her Majesty's Government to determine what course it will be expedient for them to pursue.

It will be seen that the "Vanderbilt," on her arrival at Angra Pequena, a small bay on the west coast of Africa, beyond the limits of this colony, found lying at anchor a vessel named the "Saxon," the property of a mercantile firm in Cape Town, of which she immediately took possession, on the plea that she was laden with the cargo of the "Tuscaloosa," a Federal merchant ship which had been taken by the "Alabama," and converted into a privateer. That the "Vanderbilt" then proceeded to take possession of a quantity of coals belonging to the owners of the "Saxon," which had been deposited on Penguin Island, a small island in the Bay of Angra Pequena; that she has sent the "Saxon" with her cargo, in charge of a prize crew for the adjudication of a court of competent jurisdiction in the United States; and that before the departure of the "Saxon" her chief officer was shot by one of the officers of the "Vanderbilt."

There are, therefore, three separate transactions on which it becomes necessary for me to furnish information, viz.,—the seizure of the ship, the appropriation of the coals, and the death of the mate.

An impression generally prevailed there that Penguin Island, near which the "Saxon," was anchored was British territory, and that, consequently, the seizure of that vessel in such a locality was a direct infringement of British rights. But upon inquiry, I have discovered that such is not the case. On the 13th April, 1861, your Grace communicated to my predecessor, that Her Majesty's Government had decided on the annexation to the Cape Colony of the Island of Ichaboe, which was duly carried out. Subsequently some merchants of this town interested in the guano trade, brought under the notice of Sir George Grey the case of certain small islands adjacent to Ichaboe; and the result was that, on the 12th August, 1861, he published a proclamation for bringing under the dominion of Her Majesty, Penguin Island, and ten others, "subject to Her Majesty's gracious confirmation and disallowance." Immediately after this had been done, Sir George Grey sailed for New Zealand; and there is no record of the proclamation having been reported to your Grace, or of the annexation having been confirmed by Her Majesty. Upon the score of territorial rights, therefore, as arising out of the vicinity of this island, I conceive no objection can be taken to the acts of the "Vanderbilt." In other respects the capture of the "Saxon" may fairly be left to the adjudication of a court of law. One of the owners of the ship has admitted to me without reserve that the cargo on board at the time of the seizure was a part of that landed from the "Tuscaloosa," and was intended to be conveyed to a market as the property of, and on account of, Captain Semmes, of the "Alabama."

The same gentleman informed me he had been in communication with the United States Consul respecting the appropriation of the coals; and he had little doubt that officer would obtain the authority of his Government to pay for them. The Consul has since expressed himself to the same effect to me.

The death of the mate of the "Saxon" involves considerations of a far more serious nature. The depositions taken by the Acting Attorney-General go to show that when the crew of the "Saxon" were entirely without arms, and apparently without either the means or the wish to offer any resistance to their captors, this unfortunate man was, on little or no provocation, shot dead by one of the officers in command. Whether the act was the result of wanton ferocity, or whether it was perpetrated under the influence of unfounded apprehension, it seems hard to say. But it is very satisfactory to find, from the evidence of the Master of the "Saxon," that the Captain of the "Vanderbilt" was much displeased at what had occurred, and had at once placed the officer under arrest. I cannot but hope that under such circumstances the Government of the United States will be prepared cheerfully to grant such reparation as Her Majesty's Government may consider the case to require; and I beg to recommend to your Grace's most favourable consideration an application which has been made to me by Messrs. W. Sampson and Son, as the agents of the widow of the deceased James Gray.

I have, &c.

(Signed)

P. E. WODEHOUSE.

Inclosure 2 in No. 11.

Proclamation.

PROCLAMATION by his Excellency SIR GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Vice-Admiral of the same, and Her Majesty's High Commissioner, &c., &c., &c.

Whereas, the Island of Ichaboe was, on the 21st day of June last past, taken possession of for and in the name of Her Britannic Majesty Queen Victoria, and declared a dependency of the Cape of Good Hope: And whereas it is expedient that, subject to the pleasure of Her Majesty in that behalf, Her dominion shall also be declared over a cluster of small Islands or Rocks adjacent to the said Island of Ichaboe, now therefore, I do hereby proclaim, declare, and make known, that the sovereignty and dominion of Her said Britannic Majesty, Queen Victoria, shall be, and the same are hereby declared over the following Islands or Rocks adjacent to Ichaboe, that is to say, Hollamsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax, Possession, Albatross Rock, Pomona, Plumpudding, and Roastbeef, or Sinclair's Island. This Proclamation of Her Majesty's sovereignty and dominion to take effect forthwith, but to be subject to Her Majesty's gracious confirmation and disallowance.

GOD SAVE THE QUEEN!

Given under the Public Seal of the Settlement of the Cape of Good Hope, this 12th day of August, 1861.

G. GREY, *Governor.*

By command of His Excellency the Governor,

RICHARD SOUTHEY,
Acting Colonial Secretary.

No. 53, 1861.

Inclosure 3 in No. 11.

Mr. Denysen to Sir P. E. Wodehouse.

(Extract.)

Attorney-General's Office, December 12, 1863.

I HAVE the honour to submit for the consideration of his Excellency the Governor the following depositions taken by the Acting Clerk of the Peace of certain proceedings near to and in Table Bay, Saldanha Bay, and Angra Pequena, and in which certain of the cruisers of the Federal and Confederate States of America, and other vessels were concerned. The depositions are numbered 1 to 5.

The dates in these papers do not always correspond, nor are they given in certain cases with any accuracy, but they are unimportant, and may be collected from the proceedings with sufficient certainty for all purposes required.

Amongst the papers will be found an extract of the log of the schooner "Atlas," Thomas Boyce, Commander; but I must remark respecting it, that it does not contain that portion which refers to the assistance rendered to the "Saxon," on finding her in Angra Pequena, of which the particulars were entered, and of which I requested an extract: the omission, however, has been remedied by the evidence of Captain Boyce.

The enquiry respecting the shooting and death of Mr. Gray, of the "Saxon," is fully gone into; the circumstances did not warrant such a proceeding, judging from the evidence taken, and which I have no reason to doubt. In this opinion Captain Baldwin evidently concurred, as he expressed his regret about it.

Inclosure 4 in No. 11.

Deposition of G. Riley.

GEORGE RILEY states:—

August 22, 1863.

I am a fisherman. About three weeks ago I started on a fishing excursion down the coast to Saldanha Bay, and while pursuing my avocation there on Monday last, the 17th August, I saw two barks enter the Bay. One was the "Sea Bride," heavily laden,

and the other, the privateer "Tuscaloosa," came in about sundown. I saw lots of people going off to them—farmers and country people. The "Cock of the Walk" came in there about sundown on Tuesday. Early next morning I looked out for the barks, but they were gone. I was astonished at this, because it was a dead calm through the night, and it continued so all day. The "Cock of the Walk" was still there. I could not have got out that night by sail, I am sure. I might have pulled out.

On Thursday morning I left in company with the "Cock of the Walk," and on leaving we met a large steamer entering the Bay. It was a paddle-wheel steamer under British colours. I saw nothing of the "Alabama;" but about twenty days before I saw a vessel there, which I afterwards learnt was the Alabama," but she was not there on this occasion.

(Signed) GEORGE RILEY.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 5 in No. 11.

Statements of James Roper, Augustus Knight, Louisa Johnson, Gabriel Antonio, William Henry Scott, Thomas Armson, and Joseph Wilson.

JAMES ROPER states:—

Cape Town, August 22, 1863.

I was navigator on board the "Kadée" cargo boat, which was formerly called the "Cock of the Walk," on her late trip to "Saldanha" Bay. I was engaged for service by Mr. Sarey the owner, we were to go there for a cargo of shells. We left the South Wharf about ten o'clock on Saturday night. There were three men belonging to the boat besides myself. We ran off to the bark "Ellesmere," where we took on board five men, and then proceeded on the voyage. Captains Clarke and Johnson were not on board the boat.

We came to an anchor outside the shipping, as there was no wind to take us out.

On Sunday morning we weighed anchor, and tacked about all day, but could not get out.

When I awoke on Sunday morning, I saw Captain Johnson and another man, a short thick-set man. I don't know if it was Capt. Clarke, because I don't know him. I heard they had been taken on board during the night. I saw the "Lord of the Isles" going out on Sunday. We had no communication with her, and we were not at any time within three miles of her. We anchored in Commandant Bay, Rabben Island, that night. On Monday morning we got under weigh—the wind was westerly, but light, and we proceeded. Monday night was calm, and we lay off Saldanha Bay. Tuesday morning was calm; noon, light breeze from S. W. About 4.30 p.m. we came to anchor in Hatjes Bay, which is the northern arm of Saldanha Bay. We saw there two barks at anchor, with sails set, about three-quarters of a mile from us. At dusk a boat came alongside us from one of the barks, and took off the men we had taken on board. I don't know what vessels they were, they had no colors flying, but I supposed they were privateers. Next morning, at day light, when I turned out, they were both under weigh, and stood out to the S. W. The wind was off the land, easterly. We remained where we were all day; I was ashore, but saw no strangers there. On Thursday morning we weighed anchor to return to Cape Town; on coming out we met the "Valorous" going in, about a mile apart.

She did not speak to us.

We continued our passage, and arrived in Table Bay about ten o'clock the same night (Thursday).

I did not see the "Alabama," "Georgia," or "Florida," during the cruise or any other vessel besides those I have mentioned. The people who came to take the men were dressed in plain clothes, and had no uniform, nor were they armed.

The men seemed quite willing when we took them from the "Ellesmere."

(Signed) JAMES ROPER.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Sir,

Water Police Office, Cape Town, August 18, 1863.

I HAVE the honour to report that I have boarded the bark "Ellesmere" according to your instructions, and found the following seamen on board:—Richard Harper, mate; Wallace Damouth, labourer; Gabrel Antonia, seaman; John Trent, seaman.

The chief officer, when questioned where the remainder of the crew were, reported that they had deserted on Saturday night last the 15th instant.

The following are the names of the seamen that are absent according to shipping book:—Manuel Pereira, Andrew Gregory, Thomas Juellson, Daniel Johnson. I also beg to state that no information has been given at the Water Police Office, according to custom, and I have seen the master daily.

I have, &c.

(Signed)

W. H. SCOTT.

AUGUSTUS KNIGHT, sailor, states:—

Yesterday afternoon I met Gabriel Antonia, a seaman on board the "Ellesmere," who told me, in course of conversation, that he had leave ashore from Saturday to Monday; that when he left on Saturday there were five seamen and the cook still on board, and that when he returned on Monday morning they were all gone; he told me that the captain had informed him that he had put the men on board the "Alabama;" I know the three missing crew, one named Jackson, a shipmate with me in the "Waldensian," he is an elderly man, and was cast ashore here at the wreck of the "A. H. Stevens;" Jim Grey, another, also on board the "Waldensian" since I left; and another, Jackson, formerly of the "Wave Spirit."

(Signed)

Mark of AUGUSTUS + KNIGHT.

Witness:

(Signed)

J. W. H. RUSSOURR.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

LOUISA JOHNSON states:—

My husband was a seaman on board the bark "Ellesmere," he signed the articles of the ship at the shipping office on or about the 1st of this month at wages of £2. 10s. per month, and went on board; I saw him last on Tuesday the 11th. Yesterday a man named Augustus Knight came to me and informed me that a sailor from the vessel had told him my husband had gone away—left the ship at midnight and gone to sea. Yesterday afternoon I went to the captain to ask him about the truth of this story, when he told me not to fret about it, that my husband was gone to another ship, where he would have £5. a month, and he would get so rich, that when he came back I might live like a lady; he afterwards told me my husband deserted, and that if I came back again he would give me a letter from my husband.

(Signed)

Mark of LOUISA + JOHNSON.

Witness:

(Signed)

J. H. H. RUSSOURR.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

GABRIEL ANTONIA states:—

I am an ordinary seaman on board the "Ellesmere," now lying in Table Bay. My child died last week, and I obtained three days leave to come on shore. I returned on Monday morning, when I found that all the chaps had gone. I saw a countryman of mine here, named John Franks, and asked him what had become of the chaps. He replied that he did not know; but he afterwards told me they had gone to a ship on the leeward side—he thought it was the "Alabama," and that they were to have £4 a month. Before this I had seen the mate, and he said to one, "You have missed a fine chance,

here the chaps have gone away and got £6 a month ;" but John Franks said that only the cook was to have £6 a month. They did not tell me what ship they had engaged in, but they told me that the men had gone away in a boat, in the middle of the night, on Saturday. Their things have all been taken away from the ship. John Franks told me he thought they had gone to the "Sea Bride," the "Alabama's" prize, outside.

(Signed) Mark of GABRIEL + ANTONIO.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

WILLIAM HENRY SCOTT, Boat Office, Water Police, states :—

At three o'clock in the afternoon of yesterday (Tuesday, 18th August), I received a list of the names of the seamen who had shipped on board the bark "Ellesmere," from the Shipping Master, with instructions to proceed on board to ascertain the number and names of seamen then on board, which I ascertained to be as follows :—Richard Harper, mate; Gabriel Antonio, seaman; John Franks, seaman; Wallace Damouth, labourer. The latter, who I found to be one of the late crew of the "Sea Bride," had only been engaged the previous day. I then questioned the mate as to the whereabouts of the remainder of the crew, who replied that they had deserted on Saturday night. Their names, viz.:—Manuel Pereiro, Henry Gregory, Thomas Grianes, Lewis Jackson, Daniel Johnson. I have searched the vessel to-day, and find that all these men's effects have been removed. I had never received notice, as is usual, of any of these men having deserted.

(Signed) W. H. SCOTT.

Witness :

(Signed) J. A. B. FLACK.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

My dear Dutton,

Cape Town, August 18, 1863.

Thomas Armson, the master of the "Ellesmere," will hand this to you; he has told me the truth to the fact that they were persuaded to go in a shore boat to Saldanha Bay, and there join the "Sea Bride." The act of the Master is an illegal one, and comes under the spirit of the 207 section M. S. Act 54, par. (4), which see. What is to become of these men? the contract cannot be severed without the sanction of the Shipping Master.

I inclose you a letter, put into my hands, from Daniel Johnson, one of the missing men, to his wife, whom I sent to you under charge of Scott of the Water Police.

Yours faithfully, (Signed) THOMAS TINLEY.

My dear Wife,

August 15, 1863.

I taking a pleasure of writing this few lines to you for to let you know that I am going away, but I do not know; but I am going away on board a ship that I do not know, but I will let you know the first port where we shall run in. My dear wife, be happy that I will come back again to Cape Town, but mind your lines, and my friend James, he sign the same, so we send our best complements to every body in Cape Town.

THOMAS ARMSON, Master of the Bark "Ellesmere," states :—

THE bark "Ellesmere," which I command, is the property of Mrs. Alfred Marcus. I say so because she is registered in her name. On Monday, the 3rd August, I shipped a crew before the Shipping Master at the Sailors' Home, consisting of 6 able bodied seamen and cook, which last also performs the duties of steward; I had a mate already on board.

On Saturday morning last Captain Elmstone, of the firm of Rubent, Granger, and Co., asked me if I would allow my crew to go off to take charge of the Confederate prize "Sea Bride," if they could be induced to go, and I acquiesced.

I went aft and asked the men if they would go, I told them they would be required to go off that night, that they should have 4*l.* a month's wages (I engaged them at 2*l.* 10*s.* only), and if they were not satisfied when on board they should be discharged at the first port the vessel might call at and forwarded to the Cape.

They agreed to the terms and seemed quite satisfied to go. They left the ship about midnight on Saturday, the 15th. They were 5 in number, viz.—

Manuel Periero, cook; Thomas Grianes, seaman; Louis Jackson, ditto; Daniel Johnson, ditto; Andrew Gregory, ditto. They took all their effects with them.

(Further evidence of this witness stayed by order of the Attorney-General.)

(Signed)

R. JOHNSON DUTTON.

Acting Clerk of the Peace.

Cape Town, August 22, 1863.

JOSEPH WILSON, Coxswain of the Cargo Boat, "Cock of the Walk," states:—

On Saturday last, the 15th August, Mr. Sarey, by whom I am employed, told me he wanted me to go that evening to the bark "Ellesmere," and thence to Saldanha Bay. About seven or eight o'clock that evening we cast off from the wharf and went alongside the "Ellesmere," and took four men from her, they were all black men, I think they were West Indians. We took a bag of bread and the men's effects also; she then moved out, but afterwards brought up under the island on this side.

We had also another person on board, he belongs to the Volunteer Artillery, and I think his name is Clarke, he is a short thick set man; also Mr. Johnson, late Captain of the "Albatross."

On Sunday morning we again got under weigh, and tacked about all day without being able to get out, and came that night under the island. I saw the "Lord of the Isles" going out on Sunday, we were close to her, but I can positively assert that we held no communication with her.

On Monday morning a S.W. wind sprung up, and although not a favourable breeze we got out with it, and continued our course towards Saldanha Bay. We had very heavy weather; I have been a boatman here for about twelve years, but I have never seen such a heavy swell as we experienced on our way down. We arrived off the Bay about four o'clock in the afternoon of Tuesday. We went into the Bay. The "Sea Bride" was there, just at the mouth of the Bay, but the swell afterwards took her; and the prize master (an officer of the "Alabama") then boarded us and took off Mr. Clarke, Mr. Johnson, and the four men from the "Ellesmere," there may have been five men from the "Ellesmere," I did not take particular notice of it, and they kept themselves very scarce on board the boat.

The "Alabama" was not there, nor did I see her anywhere during the cruise. I saw a bark standing off and on outside, but I cannot say whether it was the "Tuscaloosa."

I saw no other vessel besides these and a couple of cutters coming down the coast, with the exception of the English Man of War, which we met entering the bay just as we were coming out. This was about half-past ten o'clock yesterday (Thursday) morning: we passed her close to, but she did not hail us in any way.

I was on shore at Saldanha Bay on Wednesday for about ten minutes, and again yesterday morning for a short time, but I did not see any strangers there.

The vessel I call the English Man of War had two funnels painted yellow and was bark rigged, and seemed to be coming from the Cape. When the men went on board the "Sea Bride," that vessel held on until the next morning, when she put out to sea and stood to the westward, until we lost sight of her.

The "Sea Bride" was between two and two and a half miles from the Heads when the men were taken on board. When I say the swell took her into the bay, I mean that it fell calm, and that she steered for the passage to avoid going on the rocks.

(Signed)

JOSEPH WILSON.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

Inclosure 5 in No. 11.

Deposition of Captain Boyce, of the Schooner "Atlas."

Cape Town, November 14, 1863.

I LEFT Table Bay on the 13th August, with a crew consisting of nine men, including myself, all the men of the former and previous voyages. Arrived at Pomona Island on the 20th same month, where we anchored. Left the vessel on the 22nd in a whale boat to Halifax, leaving the vessel in charge of the first mate, Matley. Joined the vessel again at Angra Pequena on the 27th August. At Pomona, or rather on the mainland, left certain articles for the use of Captain Sinclair and his party, working at a copper mine. There was nothing taken on board before joining the vessel at Angra Pequena. From the last-mentioned place I took the vessel to Halifax, where I loaded a cargo of guano. At Angra Pequena there was no other European than Captain Bruce, who is a trader in the Interior. I took a wooden house down to Angra Pequena for Bruce, but had no time to put it up, and when I left it was still lying on the beach. At Halifax I took in a cargo of guano for the first vessel to be chartered to carry guano away from the island, large vessels not being able to get near Halifax, this mode of loading being adopted by means of small boats. The "Earl of Mar and Kelly" arrived at Angra Pequena on the 12th September, when we put on board the guano I had in the "Atlas," and then proceeded with her to Ichaboe, and finally filled the vessel, the "Earl of Mar and Kelly," at the Island of Mercury, on the 22nd October. She then proceeded on her voyage to Leith, and I made the best of my way back, calling at the different islands, and at Angra Pequena, which last-mentioned place Bruce had left, and found no other European on the mainland. On my way back, on the 29th October (having left Pomona on the 28th), I was boarded by the "Vanderbilt," United States steamer. Besides my own crew I had then on board Mr. Goodman and six others, *five* being miners, and the other the man in charge of the Ichaboe Island. The miners are all discharged, and the other returns with me to Ichaboe.

An officer of the steamer came on board. He called me by name, as Captain Boyce, and demanded my papers. I gave them up, and he thoroughly examined them. He then asked me what I had done with the cargo, according to the Manifest and Store List, from the Custom House, Cape Town. I told him that the cargo had been delivered to the parties to whom the same was consigned. He then left the cabin and went down the hold; I accompanied him. He looked about, came on deck, and demanded my log-book, which I produced, and which was examined by him. He then asked me about the vessels on the coast, about the "Isabel" and "Alethia"—the latter taking in a cargo of guano at Ichaboe, by means of the "Isabel"—and he then left the vessel. Before doing so, however, he asked about some coals at Penguin Island, one of the islands in Angra Pequena, when I told him that I had seen some coals. During all the time the officer was on board, I never lost sight of him, to the best of my belief—at all events, I am certain that no other party could have spoken to him without my knowledge. I am quite certain that no person on board did or could have produced or read to him any other paper or document than produced by me, and which were the ship's papers. While in the cabin a conversation may have taken place with the boat's crew, of which I know nothing. I don't think any of the boat's crew came on board; but of that I am not certain, as it may have happened while I was below with the officer.

Oh my way back I found the barque "Saxon" at Angra Pequena, on the 27th October. I supplied her with one barrel of pork, and one of beef, and also gave her three men, George Fuller Martin, and Daniel Hunter, and Oloff Larken, to assist in anything he might have to do. I am not aware what the "Saxon" was doing at Angra Pequena, nor do I know how long she had been there. I did not go on shore, and the first time I went on shore I did not see any stores or other goods excepting what I brought for Captain Bruce, either on the beach, or at any other place near it.

None of my papers were taken away, nor did the officer sign the same, as is usual in such cases. Being ignorant how to act on such occasions, I did not protest against these proceedings, as I should have done.

(Signed) THOMAS BOYCE.

Before me
(Signed)R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 6 in No. 11.

Extract from the Log Book of the "Atlas."

Tuesday, October 27, 1863.

Halifax Island. At 6 P.M. got under weigh for Possession, with a light breeze from the northward; fresh breeze from the northward during the night.

Wednesday, 28th.

First part, strong breeze from the northward; at 1 A.M. came to an anchor at Possession; at daylight took on board 12 casks water and 1 keg peas for Pomona; at 7 A.M. got under weigh for Pomona; at 10 A.M. came to an anchor, started to land stores and water on the main, landed 10 casks water, 6 bags bread, 2 do. flour, 1 do. rice, 1 do. sugar, 1 case gin, 13 bags coals, 1 barrel flour, 1 cask cabin bread, 1 barrel pork, 1 do. molasses, 1 keg peas, 1 box candles, 1 stinkwood plank, 1 box raisins, 5 boxes tea; at 3 P.M. got under weigh for Cape, with a fresh breeze from the northward; at 5 P.M. sighted a barque to the N.W., about 10 miles off; at 8 P.M. strong breeze from the northward, took off at Pomona, Mr. Goodman and 5 navvies; strong breeze, with rain, throughout the night.

Thursday, 29th.

Strong breeze from the northward, with rain. At 7 A.M. took in the square sail, set the fore-stay sail; at 8 A.M. sail to the eastward, hoisted signals for us to heave too; at 9 A.M. hove too till the sail came up, and was boarded by an officer from the U. S. steamer "Vanderbilt;" light breeze throughout the latter part of the day. Lat., by account, 29.28, long. 16.15 E. at 4 P.M.

Friday, 30th.

Weather fine throughout the day; lat., at noon, 30.20 S., long. 16.10. At 4 P.M. sighted the land; at 6 P.M. put about ship, stood out.

Saturday, 31st.

Weather fine throughout the day; lat., at noon, 30.50 S., long. 16.19 E.; land in sight. At 9 P.M. put about ship, stood off.

Sunday, November 1st.

Fresh breeze throughout the day. At noon, the lat., by obs., 31.42 S., long., by chro., 16.08 E. Tacked ship occasionally.

Monday, 2nd.

Strong breeze from the southward throughout the night. Lat., at noon, 32.50 S.; long. 16.3. Weather fine throughout the day; at 4 P.M. put about ship, Table Bay bearing S. E. by S., distance 150 miles. At 4 P.M. the long., by chronometer, 15.49 E., lat. 32.54 S. At 4 P.M. put about ship; fresh breeze throughout the night.

Tuesday, 3rd.

Weather fine throughout the day; at daylight, sent the bonnet of the gib for repairs; at noon, sent it out again. Lat., at 4.30 P.M., 33.23 S.; long., by chronometer, 17.54 E.

Wednesday, 4th.

Weather fine, with a light breeze from the northward; at 5 A.M. made the land out, Table Mountain bearing S. E. At 11 A.M. came to an anchor in Table Bay.

(Signed)

THOS. BOYCE.

Inclosure 7 in No. 11.

Deposition of James Adams.

Cape Town, November 14, 1863.

JAMES ADAMS, formerly a sailor on board the "Alabama," states:

I left the "Alabama," ran away at Angra Pequena, and came up in the "Flower of Yarrow." The "Alabama," "Tuscaloosa," and "Sea Bride" were there at the time. The "Tuscaloosa" landed her cargo of wool and green hides there. The "Sea Bride" transhipped part of her cargo to the "Isabel," belonging to Granger. The "Isabel's" boats conveyed the cargo from the "Sea Bride" to her. There was another vessel there, the "Earl of Mar and Kelly," bound to Aberdeen, and she took off a lot of cargo from the "Tuscaloosa." The "Atlas" was there at the time. I am sure the "Atlas" was there, and Tom Boyes was her commander, and it was he and his crew who landed the "Tuscaloosa's" cargo, and I assisted him in doing so. The remainder of the cargo of the "Tuscaloosa" was at Angra Pequena on the main land when I left in the "Flower of Yarrow" for Cape Town. While the "Sea Bride" was there they cut her royal mast short, and altered her in other ways and disguised her, and then called her

the "Helen" of Hamburg. The "Flower of Yarrow" took in a part of the "Sea Bride's" cargo, namely, some hops and tobacco, and she (the "Sea Bride") left some time before we did; I was told for Mauritius. Boyes took out the coals, about 250 tons, from the "Earl of Mar and Kelly," and landed them on Penguin Island, and he left for Ichaboe before I left for Cape Town.

There was a brig there also, while I was there, also bound to Aberdeen; she was loaded up at Ichaboe, and I assisted to load her. Her cargo was guano and nothing else. The "Saxon" was not there while I remained. The "Sea Bride" did not take any guano. I was working on board the "Isabel" for about a fortnight, and I went from Angra to Ichaboe with her and then joined the "Flower of Yarrow" at Ichaboe, and we took the portion of the "Sea Bride's" cargo we had on board from the "Isabel" at that place. I understood that Bruce was to get part of the "Sea Bride's" cargo for his assistance. Bruce goes up country trading. The "Earl of Mar and Kelly" also took in some guano on top of the wool—she filled up with guano. When we left the "Atlas" people were still loading her.

I reported what I have now stated to the American Consul before the arrival of the "Atlas" in Table Bay. The "Vanderbilt" had also left before the "Atlas" arrived.

I was formerly a seaman on board the "Conrad," now the "Tuscaloosa." The "Sea Bride" was at Angra about ten days, and the "Tuscaloosa" rather more than a fortnight. I saw Captain Elmstone on board the "Tuscaloosa," he used to come on board there from the "Sea Bride" to dine with the Captain. Captain Low, an officer of the "Alabama," was in command of the "Tuscaloosa," and left with her before I did.

(Signed) Mark of JAMES + ADAMS.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 8 in No. 11.

Messrs. Sampson and Son to Mr. Rawson.

3, Adderley Chambers, Cape Town,
December 16, 1863.

Sir,

AS the duly qualified agents of Mrs. Mary Jane Gray, widow of Mr. James Gray, late a mate on board the bark "Saxon," of this port, who was murdered on board the said vessel on board the said vessel, on the 30th day of October last, by an officer of the United States war steamer "Vanderbilt," we beg to bring to the notice of His Excellency the Governor the circumstances connected with the murder of the deceased, and other particulars bearing on the case, and have to request that His Excellency may be pleased to forward this statement to the Right Honorable the Secretary of State, with a request that, if in accordance with international law, and the rights of neutral powers, His Grace may demand, on the part of the British Government, compensation, or recompense from the United States Government for the loss sustained by the said Mrs. Mary Jane Gray, by the murder of her husband by an officer in the Naval Service of the United States Government as aforesaid.

We take the liberty of briefly stating the facts, which will be borne out by the documents hereafter referred to, and herewith enclosed.

Mr. James Gray signed articles in the month of August last, to proceed in the bark "Saxon" in the capacity of mate, on a voyage from Table Bay to Ascension, thence to Rio, and, or any port or ports in the South Atlantic, as employment offers, for a term not exceeding six months; final port of discharge to be Table Bay.

On the 2nd day of September last the "Saxon" weighed anchor in Table Bay, and proceeded on her voyage, taking a cargo of cattle for Ascension, where she arrived on the 17th day of September last, and after delivery of her cargo there, sailed in ballast for Angra Pequena, the master having received orders from his owners to proceed thither. The "Saxon" arrived at Angra Pequena on the 16th day of October last, and, after lying there eleven days, the master received orders from his owners to take on board the "Saxon" certain cargo lying on the beach at Angra Pequena, consisting of skins and wool. This being done, the "Saxon" was ready for sea on the 30th day of October last, and bound to Falmouth for orders. While preparing for sea, the master of the "Saxon" observed a steamer anchored abreast of Penguin Island. This subsequently proved to be the United States war steamer "Vanderbilt." The "Saxon" was at this time lying about a mile and a half from Penguin Island in British waters. At 1.30 p.m. on the same day, an armed boat's crew from the United States steamer "Vanderbilt," boarded the bark "Saxon," asked for the ship's papers,

received them, and took them on board the steamer "Vanderbilt." Subsequently other boats were sent from the steamer "Vanderbilt" to the "Saxon," and placing armed men on the deck of the "Saxon," the officer commanding the boarding party, drove the crew of the "Saxon" down below, and formally took the "Saxon" a prize to the United States' war steamer, "Vanderbilt."

From the evidence of these transactions, as detailed by the master and three of the crew of the bark "Saxon" before a Court of Inquiry, held before the Resident Magistrate of Cape Town, by order of His Excellency, it will appear, that while the men of the steamer "Vanderbilt" were on board the "Saxon," the mate of the "Saxon"—James Gray—was at one time standing on the ladder, an officer of the United States' war steamer, "Vanderbilt"—a Mr. Donaghan—being immediately above him, on the poop; and on the deck, a few feet below, about a dozen of the "Vanderbilt's" men were stationed. The officer, Mr. Donaghan, appears to have called out to the mate of the "Saxon," James Gray, to go down from the ladder, and on his not appearing to obey, repeated the order, at the same time pushing Gray on the right shoulder with his left hand. Gray, trying to recover himself, turned half round, and looked at the officer, as if to enquire what he had done, whereupon the American officer, Mr. Donaghan, drew his revolver, and shot Gray dead.

The evidence in support of the murder herewith accompanying, will, we conceive, be deemed conclusive. No opposition or resistance of any kind appears to have been made by the deceased mate, Mr. Gray, to warrant this act on the part of Mr. Donaghan. It can, we respectfully submit, be considered in no other light but as a deliberate, cold-blooded murder, and we entertain the hope that Her Majesty's Government, with that high regard for right and justice which has always characterized the relations of England with Foreign nations, will, in its wisdom, enforce upon the United States Government the necessity of making provision for the widow of James Gray aforesaid, left as she is, perfectly destitute, with four young children, in consequence of the murderous act of the aforesaid Mr. Donaghan, an officer of the United States Navy.

With regard to the deceased, we beg to state that he was born on the 28th day of May, 1829, at Aberdeen, the son of Alexander Gray, of the firm of Messrs Watkins and Gray, of Aberdeen, Rope Makers. He was a Passed Master on the 22nd day of February, 1853, and held a certificate as such. He commanded the brig "Wanderer," on this coast, for eighteen months, in the years 1855 and 1856, and was employed in the Cape trade for the last eight years. He married Mary Jane Crampton, daughter of Thomas Crampton, of the county of Kildare, Ireland, on the 28th day of July, 1856, by whom he had four children, all of whom survive, their ages being six and a quarter, four and a half, two and a half years, and one month respectively.

In proof of the matters aforesaid, we beg to forward the following documents herewith annexed, viz.:

A. General power of attorney from Mrs. Mary Jane Gray, authorising us to act on her behalf.

B. Certificate from the Registrar of Shipping at Cape Town shewing the bark "Saxon" to be registered at this port.

C. Certificate of the shipping master at Cape Town, showing the nature of the voyage, and articles of agreement signed by the crew of the bark "Saxon" when the vessel left this port in September last.

D. Certificate from the Clerk of the Peace at Cape Town of evidence taken before the resident magistrate at Cape Town, touching the murder of the mate of the "Saxon," the aforesaid James Gray.

E. Notarial certificate and copy of the master's certificate held by the deceased James Gray.

F. Notarial copy of certificate of James Murison, owner of the schooner "Wanderer," of the said James Gray having commanded the said vessel in the years 1855 and 1856.

G. Certificate of marriage from the Rev. Geo. Morgan, Presbyterian Minister at Cape Town, of the marriage of James Gray with Mary Jane Crampton.

H. Notarial certificate of affidavit made by Mary Jane Gray, widow of James Gray, before William Sampson, Justice of the Peace for Cape Town, that the four children of the said James Gray being alive at this date.

We beg to apologize for not having forwarded this application earlier, but were prevented doing so by the difficulty in getting the documents from the various offices.

We have, &c.

(Signed)

W. SAMPSON & SON.

Inclosure 9 in No. 11.

GENERAL POWER OF ATTORNEY.

KNOW all men whom it may concern, that I, the undersigned, Mary Jane Gray, widow of the late James Gray, of Cape Town, do hereby ordain, nominate, and appoint William Patriek Sampson and William Byron Sampson, trading under the style or firm of W. Sampson & Son, to be my true and lawful attorneys and agents, with full power and authority, for me and in my name, and for my account and benefit, to ask, demand, sue for, and recover, of and from all person or persons whomsoever, all such sum or sums of money, which now are, or shall or may, at any time hereafter, become due, owing, payable, or belonging to me, upon and by virtue of any notes, bonds, bills, bookdebts, deeds, or other securities whatsoever;—also for me and in my name, to settle and adjust accounts, as they shall think fit and proper, and, if necessary, to compound for the same and accept a part of the whole; also, to submit any matters in dispute to arbitration, and to sign, seal, and deliver the necessary acts for that purpose; also, to let or hire out houses, to collect and receive rents, and grant receipts for the same, and in default of payment or delivery, to use and take all lawful ways and means for the recovery thereof, by attachment, ejectment, or otherwise; also, if necessary, for me and in my name, to commence, prosecute, or defend any action or actions, suit or suits at law or in equity, in any of the courts of this settlement, and the same at pleasure to relinquish; also to draw, accept, or endorse bills of exchange or promissory notes, in satisfaction or on account of any debt or claim due or payable to or by me; and further, to buy and sell immovable or landed property; to make, sign, give, and receive, in due and customary form, all acts or deeds of transfer of such landed property; also to appear at the office of the collector of tithes and transfer dues, and then and there in my stead to take and subscribe the necessary oath as to the truth of the purchase amount; further, for me and on my behalf, to take or give money on mortgage of immovable property, and to appear before the registrar of deeds, and make, pass, give, or receive all such mortgage bonds or other securities, as may be requisite or necessary, under obligation of my person and property of every description; and also, in my name, to enter into securities of what nature or kind soever; and, generally, for me and in my name, to choose *domicilium citandi et executandi*; to manage and transact all my affairs in this colony, and perform all such acts, matters, and things; to make, sign, seal, and deliver all such deeds or instruments as may be necessary or most for my advantage, and use all lawful means and ways thereto, as fully and effectually, to all intents and purposes, as I might or could do if personally present and acting herein; hereby granting to my said attorneys and agents full power and authority to substitute or appoint one or more attorney or attorneys under them, and the same at pleasure to displace or remove, and appoint another or others; hereby ratifying, allowing and confirming, and promising at all times to ratify, allow, and confirm, all and whatsoever my said attorneys, their substitute or substitutes, shall lawfully do, or cause to be done, in or about the premises, by virtue of these presents.

In witness whereof, I have hereunto set my hand and seal, at Cape Town, this 26th day of November, in the year of our Lord 1863.

MARY JANE GRAY.

As witnesses.

H. G. GLYNN.

J. CRAMPTON.

Inclosure 10 in No. 11.

REGISTER.

I, THE undersigned Registrar of the Port of Cape Town, hereby certify that the "Saxon" (215-69 tons); official number 37,024; Port number 1, was on the 9th day of February, 1863, duly registered at this Port in the name of William James Anderson.

Given under my hand, at Cape Town, Cape of Good Hope, this 15th day of December, 1863.

J. T. FISH. *Registrar.*

Inclosure 11 in No. 11.

ARTICLES OF AGREEMENT.

I CERTIFY that that the terms of the Articles of Agreement, signed by the crew of the British barque "Saxon," of Cape Town, 215 tons, commanded by Stephen Shephard, run thus: from Table Bay to Ascension, from thence to Rio, and, for any Port or Ports in the South Atlantic, as employment offers, for a term not exceeding six months—final Port of discharge to be Table Bay.

THOMAS TINLEY, *Shipping Master.*

5th December, 1863.

Inclosure 12 in No. 11.

Depositions of Stephen Shephard, Horace Carren, William Murray, and Richard Cable.

Resident's Magistrate's Court, Cape Town, December 1st, 1863.

Appeared before John Montgomery Hill, Esquire, Resident Magistrate.

STEPHEN SHEPHARD sworn states :

I was the master of the barque "Saxon." She left Table Bay on the 2nd of September last with cattle for Government, and bound to Ascension, where we arrived about the 17th of the same month. I proceeded by order from there to Angra Pequena. The orders were from the owners, Anderson, Saxon & Co. We arrived there on the 16th of October in ballast. When there, we painted the ship, and after being there for eleven days I received orders to ship certain cargo that was there, consisting of skins and wool. I took the cargo from the beach by my crew and some men. I received no men from the "Atlas." On the morning of the 30th of October I completed loading, and was preparing for sea, and then observed a large steamer, which proved to be the "Vanderbilt" American man-of-war steamer. She anchored abreast of Angra Pequena (Penguin Island). I was lying about a mile and a half from Penguin Island. Shortly after the steamer sent an armed boat to my ship. The officers in charge were Beldon, the senior, and Donaghan, the junior officers. It was about 1:30 P.M. when they boarded my ship. The first question asked was where I was from, and I presume they must have already seen the name on the stern. Afterwards, how long I had been there, and I told them. They then asked for my papers, and I asked by what authority he wanted to see the papers. The officer then told me that Captain Baldwin had sent him to do so, adding, "Captain, it is no use, I must see your papers." He did not ask me what my cargo consisted of before he saw the papers, but after looking at them he said, "skins and wool!" that will do. The officer retained the papers and went to look down the hold, and asked me if I knew where the cargo had come from. I told him all I knew was that I had come here to take it in. He told me that he must take the papers to Captain Baldwin, and then he left the vessel, leaving the junior officers in charge. He took the Register Articles, Clearance from Customs, and the Bill of Lading with him to the "Vanderbilt." I then told the officer that I was ready for sea and would leave with or without papers, as I was bound to Falmouth for orders. He said you had better not try it, for that the steamer could go faster than I could. The "Saxon" was 215 tons register, and registered at the Cape. On that he left the ship. About an hour afterwards another boat came from the "Vanderbilt," with another armed crew in charge of Lieut. Keith. This boat left at the same time as the other boat left my vessel. We were lying about two miles apart, and a strong breeze blowing at the time. They got on board and placed armed men on the deck; the crew first got up, and then the officer followed. On coming on board his crew drove my men below, and the officer did not state his business at the time he boarded until I asked him, when he asked me who I was, and I told him that I was the master, and he told me that I was no more master of this vessel, and I will thank you to go below and give no more orders, and I will not allow you to talk to any of the ship's company. I told him he ought to have come to me as a gentleman to tell me what his business was, instead of taking charge in the manner he did, and before his commander had seen my papers. He ordered me below then; I made no reply and obeyed. About four o'clock I observed a boat, with the Island men, coming to our ship to ask for some bread and meat. I told my chief officer, Mr. Gray, that he might give them some, but should first inform the American officer in charge of our vessel, which he did. At first he consented, but afterwards refused, but gave no reason for refusal. Mr. Gray came and told me of this refusal, and I told him to heave them into the boat, and if he was prevented, I could not help it. Lieut. Keith was standing by, and told me I was giving too many orders, and if I did not go below he would soon put me where the dogs could not bark at me. I was down below for about nine or ten minutes when I heard the report of a pistol. I had been in my cabin with a sentry at the door. On hearing the report I rushed on deck, and some one told me in passing they had shot the mate. I went to the maindeck and found Mr. Gray lying dead. I raised him in my arms, but found life was extinct. The ball entered at the back of the neck, and I saw a pistol in Donaghan's hands, and I was told that he had shot Mr. Gray. I asked the senior officer why he had shot my mate, and he replied it was an accident. I then asked the junior officer, and his reply was, "poor fellow, I am sorry for him, but must obey orders." They then took the body below. In the meantime the "Vanderbilt" had gone in chase of a vessel, and we were dropped down to where the "Vanderbilt" had been laying, nearly abreast of the island, about a cable's length off the island, and between the island and the land. The "Vanderbilt" returned the next morning, when I was sent for by Captain Baldwin. On arriving on board, he asked me if I was Captain Shephard, of the barque "Saxon." I replied "yes," and he then said, "Captain, I am sorry for you, but your papers are not satisfactory to me, and I must make a prize of your vessel and send her to New York, and we know that it is the 'Tuscaloosa's' cargo you have on board." Captain Baldwin did not mention Mr. Gray's death immediately, and he only alluded to it twice afterwards. Some time afterwards I told him that I was sorry for the loss of the vessel and the mate, and the Captain replied, in reference to the mate, "he was very sorry indeed that it had happened," and he repeated the same remark the next day when I was leaving the ship for good. I asked the officer on board where Mr. Donaghan was, and was told he was under arrest, and that I could not see him. The whole of the officers of the "Vanderbilt" seemed very much affected on hearing of the death of Mr. Gray, and seemed to regret it during the time I remained. When I left the "Vanderbilt" I was put on shore at Angra Pequena, where I found my crew, who had already been landed with the exception of the second mate and cook, the former of whom volunteered to go in my place, and the cook, being an American, went voluntarily. They sent bread and

water on shore for our use, and we were left without shelter. The crew of the "Vanderbilt" took the body of Mr. Gray below. The mate was buried on the 31st of October, and one of the "Vanderbilt" officers, together with myself, attended the funeral. None of the crew were allowed to do so, but the second mate got into the boat in the dark; we were landed on the 1st of November, and walked across the land to Halifax, a distance of about eleven miles, where we were afforded shelter until we left in the "Isabella" for Ichaboe, where we stayed for about days, whence we proceeded in the same vessel to Hottentot Bay, where we were transferred to the "Lord of the Isles." I took the cargo from the beach by orders of my owners.

(Signed)
Before me
(Signed)

STEPHEN SHEPHARD.

J. M. HILL, R.M.

HORACE CARREW sworn, states:

I am an able seaman, and was one of the crew of the barque "Saxon." I left Table Bay to go to Ascension, and from thence to Angra Pequena. We laid at Angra Pequena for about twelve days. I recollect the "Vanderbilt" boarding the "Saxon," and I think it was about the 30th or 31st of October last. A boat came to our vessel with an armed crew, and two officers, the junior of whom was Mr. Donaghan, but I don't know the name of the other. I afterwards saw the officer in charge of the boat come out of the cabin with some papers, which I presume to be the ship's papers. He ordered the batches to be opened, which was done. He then looked at the ship's cargo, and asked our captain where the cargo came from. Captain Shephard said he knew nothing at all about it only that he had to come and take it in. The officer said, "Very well, I must take your papers on board the 'Vanderbilt,' and I leave this officer (pointing to Mr. Donaghan) in charge." He turned to Mr. Donaghan and said, "You stay on board until I send a boat off." Captain Shephard was standing next to him, and he further said, "Don't allow the anchor to be weighed." Captain Shephard said, "My vessel is quite ready for sea, and I intend to go to sea immediately after dinner." The officer said, "You can't, I have got your papers," and Captain Shephard said, "I will go, papers or none." Our captain then told us to go to dinner, and the officer left for the "Vanderbilt," leaving Mr. Donaghan in charge. We then went to dinner, and after dinner we were called on deck, and went about our work, and another boat this time came from the "Vanderbilt." The officer and men took charge of our vessel. We were then ordered by Captain Shephard not to interfere. Some short time after that, when I was behind the galley, I saw Mr. Donaghan standing on the brake of the poop. A little before this a boat had come from the shore with some fish. I heard Captain Shephard say to the officer in charge, "Will you give these men in the boat some grub?" He said "Yes," and I then saw Captain Shephard come in a hurry to the place where the men were passing some meat in the boat. The "Vanderbilt's" men were then stopping them, upon which Captain Shephard said, "Throw it into the boat, and if they stop you I can't help it." At that time the American officer came forward and touched Captain Shephard on the shoulder, and said, "You go aft, you are giving too many orders; I will put you where the dogs won't bark at you." Captain Shephard then went away, and it was then I saw Mr. Donaghan standing on the brake of the poop with several of his own men near him. Mr. Gray was halfway up the ladder, when he was ordered down by Mr. Donaghan. I was distant about six or eight yards from them. Mr. Donaghan said, "Go down!" Mr. Gray did not answer or do anything, when the officer repeated the order for him to go down, adding or I will shoot you. Mr. Gray at the time was facing him, when the officer pushed him on the shoulder with his left hand, and Mr. Gray stumbled and tried to recover himself, and as he turned his face towards the officer, he drew a revolver and shot him. Mr. Gray had nothing in his hands. Two of our men were close to him, and about a dozen of the "Vanderbilt's" men also about the spot. After he was shot he fell backwards, and I and others went to pick him up. I did not see Captain Shephard at that time. The "Vanderbilt" men then drew their swords and pistols. Neither of the men of the "Saxon" were then armed. Mr. Donaghan said, "I am sorry for him, but I obey orders." The men of the "Vanderbilt" then drove us forward. Some short time after this I and two others went aft and saw the captain and second mate holding Mr. Gray's head. Mr. Donaghan then said (pointing to the boat which came for fish) "There is some humbug, as five men came off in her and seven are leaving. The next morning I saw the body of Mr. Gray in the after-hold, and the ball had entered behind the left ear. About dusk that night the body of Mr. Gray was taken on shore by the boat of the "Vanderbilt." One of the "Vanderbilt's" men said, "Donaghan is a good shot, but he is a great deal too fast. About 8 o'clock P.M. we were told not to come on deck, and if we wished to do so, to hail sentries first, if we did not want to be shot. They kept us on board the whole of the day Mr. Gray was buried, and on the following morning we were sent on shore in the "Vanderbilt's" boat.

(Signed)
Before me
(Signed)

HORACE CARREW.

J. M. HILL, R.M.

Wednesday, December 2nd, 1863.

WILLIAM MURRAY, sworn, states:—

I was an able seamen on board of the barque "Saxon," when she was seized by the "Vanderbilt." I recollect the boat coming alongside with two officers, the junior of whom was Mr.

Donaghan. I saw the officer go with the master in the cabin, and return with the ship's papers in his hand. He looked down the hatches and said, "wool and hides, that is enough," and he left our vessel, leaving Mr. Donaghan in charge, with orders that the anchor should not be weighed. About an hour afterwards, another boat arrived from the "Vanderbilt;" there were two or three boats came on the second occasion, with armed crews. The men and officers, after getting on board, ordered us forward. Shortly afterwards, a whale boat came from the shore for provisions; the captain referred them to the officer in charge, who at first consented, but afterwards declined allowing the men to have the provisions—some of the men saying, "that the sons of bitches are removing the food in the vessel, and to stop them," and afterwards that they were pirates and "Alabama" people, and that we had better be shot at once. They appealed to the master again, and said it was hard to let them go without food for the night, and the master ordered it to be thrown into the boat, and if the officer prevented them, he could not help it. The officer in charge then came forward to the master, and said, after laying his hand on his shoulder, "you are giving too many orders here, and you had better go below, or I will send you where the dogs can't bark at you." The captain then went below, and the mate was at this time standing with us at the gangway, and shortly after followed him into the cabin, but was intercepted by the officer, Mr. Donaghan, saying, "Go forward, you are all pirates." The mate made no resistance at all, nor did he speak, and the officer then pushed him on the shoulder, saying, "Go down, or I will shoot you," pointing a revolver at him, and shooting him at once dead. The mate lived for a few minutes after he was shot, but did not speak. I was standing within two yards of the deceased at the time, and saw what took place. The captain rushed from the cabin on hearing the report of the pistol, and seeing what had occurred, he called us aft, but were prevented by the men of the "Vanderbilt;" one or two of us, however, were afterwards allowed to go, of whom I was one; and I saw the same officer who had shot Mr. Gray, standing over him with his revolver cocked and pointed at him, and exclaiming, "there is an 'Alabama' man;" and, referring to the boat leaving for the shore, he said, "let us go ashore, and do for the bloody lot of them." After this, leaning over Mr. Gray, I said to the officer, Donaghan, "Life is gone;" when he replied, pointing at my face his pistol, "No, it is not." He was very excited and insolent, but afterwards he said, "he was sorry for Mr. Gray, but he should have obeyed orders." We were driven below that night, and told if we came on deck that night without hailing the sentry, we should be shot. On the Sunday morning, we were put on shore, and were allowed to take nothing else but a little bread and water, besides our kit. The day after our vessel was seized, the "Vanderbilt" took from Penguin Island some coals that was there on the shore.

(Signed)

WILLIAM MURRAY,

Before me,

(Signed)

J. M. HILL, *R.M.*

RICHARD CABLE sworn, states:

I am an able seaman, and was one of the crew of the "Saxon." I signed articles at this port. I recollect the 30th of October last, when our vessel was seized by the "Vanderbilt," and was present when the mate was shot. A boat from the island came off with fish, and they asked the captain if he could give them some provisions for the night, as they could not proceed to Halifax in consequence of the breeze then blowing; whilst the provisions were being landed into the boat by the "Vanderbilt" men, one of the men of her went up to the officer in charge of the ship, and said, "they were taking all the stores of the ship, and that they should be stopped." The captain was standing by at the time, and the officer in charge at first consented, but afterwards changed his mind, and on again being applied to, Captain Shephard told them to put it into the boat, and if prevented, he could not help it. I was walking alongside the master at the time when Lieut. Keith came up to him, and, taking him by the shoulder, said, "My fine fellow you are giving too many orders here, and if you don't go below, I will put you where the dogs can't bark at you," and the master went below, and a sentry was placed over him. Mr. Gray was standing at the main-rigging by myself and two other men, and about ten minutes after the captain had gone below Mr. Gray wanted to follow him, when he was stopped by Donaghan, and told to go down, and was pushed down by the right shoulder, when Mr. Gray's foot caught in the steps of the ladder, and looked up as innocent as could be, not knowing what was the matter. Donaghan had his pistol already drawn, and without further remark, he shot him down. I did not hear that Mr. Donaghan was desired to shoot Gray by the officer in charge of our vessel. Mr. Gray offered no resistance before he was shot. Deceased was liked by the whole of the ship's company. Mr. Gray could not have given the officers any offence whatever, and he had dined with Donaghan at the master's table the same day. We signed the articles for Ascension, and any other port in the South Atlantic ocean. I was not aware, nor were any other of the crew to my knowledge, for what service we went to Angra Peguena, and we did not know what our cargo was to be until we saw it on shore at Angra Peguena. When Donaghan had shot Gray, he gave orders to his men to draw swords, and our crew to go forward. I don't know the reason for these orders, for they were all armed to the teeth, and double our number, while we had not a weapon amongst us, and showed no symptom of dissaffection or resistance. Mr. Keith came on the poop when Donaghan ordered us below, and one of the men came up to me in a cowardly and menacing manner, and asked me whether we were going to take the ship back again; and I replied, throwing out my arms to show our helplessness, does it look like it? Mr. Keith, when he saw Mr. Gray was shot, disapproved of it greatly, and said "he was very sorry for it, and did not know how soon it would be his turn." There

were more than a dozen men of the “Vanderbilt” close at hand, when Mr. Gray was shot, and even if he had showed resistance, there was no necessity of using violence. Gray was not a yard distant from Donaghan when he was shot.

Before me, (Signed) RICHARD CABLE.
(Signed) J. M. HILL, R.M.
(Signed) R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Attorney-General's Office,
2nd December, 1863.

Inclosure 13 in No. 11.

Original Register.

1856. Marriage solemnized at Cape Town, in the Parish of , District of Cape Town. 1856.

No.	When married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the time of Marriage.	After Banns or License.	Consent by whom given, or Judge's Order.
410	28th July, 1856.	James Gray	Full age.	Bachelor.	Master Mariner.	Cape Town.	After Banns.	
		Mary Jane Crampton.	Minor.	Spinster.		Cape Town.		Jane Hopkins (formerly Crampton) mother.

Married in the Scottish Church at Cape Town aforesaid, after Banns, by me, George Morgan, Minister of the Scottish Church.

This Marriage { James Gray. }
was solemnized { Mary Jane Crampton. } In the presence of { Isaac Lenthall.
between us ... { Margaret Crampton.

Examined with the Original Register, by me; and found to be correct,
Cape Town, 27 November, 1863. GEORGE MORGAN, Minister.

Inclosure 14 in No. 11.

Affidavits.

BE it hereby made known, that on this, the Sixteenth day of December, one thousand eight hundred and sixty-three, before me, William Edward Moore, of Cape Town, Cape of Good Hope, Notary Public by the authority of Government, duly sworn and admitted.

Personally appeared, Mary Jane Gray, widow of the late James Gray, late chief mate of the vessel called the “Saxon,” and did then and there in my presence, sign and attest the affidavit hereto annexed, marked A.

An Act whereof being requested, I have granted these presents under my Notarial form and Seal of Office, to serve and avail as occasion may require.

Thus done at Cape Town aforesaid, the day, month, and year afore-written.

(Quod Attestor.) W. E. MOORE, Notary Public.

A.

MARY JANE GRAY, widow of the late James Gray, late chief mate of the vessel called the “Saxon,” maketh oath, and saith that there is issue of her marriage with the said James Gray, lawfully begotten, the following children, named Alexander Gray, aged six years; Helen Gray, aged four and one-half years; Thomas James Gray, aged two and one-half years; Matilda Jane Gray, aged one month and six days, still surviving.

Sworn at Cape Town the 16th day of December, 1863.

MARY JANE GRAY.
Before me,
W. SAMPSON, Justice of the Peace for Cape Town.

BE it hereby made known, that I, William Edward Moore, of Cape Town, Cape of Good Hope, Notary Public, by the authority of Government, duly sworn and admitted, have this day collated and compared with the originals, the copies hereto annexed, numbered 1 and 2.

No. 1. Copy of Certificate of Competency of James Gray as Master.

No. 2. Copy of Certificate of Service of said James Gray as Master.

And I, the said Notary, do certify and attest that the same are true and faithful copies of the said originals, and agree therewith in every respect. An act whereof being required, I have granted these presents under my Notarial form, to serve and avail as occasion shall or may require.

Thus done and passed at Cape Town aforesaid, this sixteenth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

(*Quod Attestor.*)

W. E. MOORE, *Notary Public.*

Witnesses.

A. T. BRIDGE, *Clerk.*

S. P. FORD, *Clerk.*

No. 1.

(L.S.)

By the Lords of the Committee of Privy Council for Trade.

CERTIFICATE OF COMPETENCY AS MASTER.

To James Gray,

WHEREAS it has been reported to us that you have been found duly qualified to fulfil the duties of Master in the merchant service, we do hereby, in pursuance of the Mercantile Marine Act, 1850, grant you this Certificate of Competency.

Given under the seal of the Board of Trade, this twenty-second day of February, 1853.

By order of the Board.

(Signed)

J. W. BUSHEY,

J. G. FANSHAWE,

} *Officers of the Naval Department.*

Pro

Secretary to the Naval Department.

Entered at the General Register and Record Office of Seamen, on the twenty-third day of February, 1853.

(Signed)

EVERARD HORNE COLEMAN.

Endorsed: No. of Certificate, 4702. Address of bearer, 77 West North Street, Aberdeen. Date and place of birth, 1827, Aberdeen, Aberdeen. No. of Register ticket 198,777.

Signature, JAMES GRAY.

This Certificate is given upon an ordinary examination passed at Aberdeen on the nineteenth day of February, 1853.

Any person who fraudulently forges or alters a certificate, or fraudulently makes use of any certificate, to which he is not justly entitled, is liable either to be prosecuted for a misdemeanor or to be summarily punished before a Magistrate by a penalty of £10, or by imprisonment with hard labour for three months, and any person who refuses to deliver up a certificate which has been cancelled or suspended, is liable to the same summary punishment.

Issued at the Port of Aberdeen, on the 25th day of February. 1853.

(Signed)

GEORGE BROCK, *Shipping Master.*

No. 2.

THIS is to certify that James Gray has been in command of my schooner "Wanderer," for eighteen months past, and has shown himself to be a fit and proper person to take charge of a vessel.

(Signed)

JAMES MURISON.

Cape Town, August 1, 1856.

No. 12.

Messrs. Sinclair, Hamilton, & Co. to Earl Russell.—(Received January 30.)

My Lord,

11, *St. Helen's Place, London, January 29, 1864.*

WE have the honour to acknowledge receipt of Mr. Hammond's letter of 21st instant, and have deferred replying to the same until the arrival of the Cape Mail placed us in possession of fuller information as to the circumstances attending the capture of the British barque "Saxon," at Angra Pequena.

Accordingly we have the honour to inclose copies of the depositions by the master and crew of the "Saxon," taken before a magistrate at Cape Town. From these it will be seen that Mr. Hammond was in error in supposing the wool with which the "Saxon" was laden had been taken from the "Sea Bride," as Captain Baldwin, of the United States steamer "Vanderbilt," appears to have made the seizure on the ground that the wool had been landed from the "Tuscaloosa."

The "Tuscaloosa" is stated in the newspapers to have been a prize taken by the "Alabama" when her name was "Conrad." She had been captured a considerable time previously on her voyage from Buenos Ayres to New York, and was taken into Simon's Bay, where she was received by the Colonial authorities with all the privileges of a Confederate man-of-war, notwithstanding that objection was taken by the United States Consul that she had not been duly condemned by a Prize Court. Be this as it may, we have ascertained that the "Saxon" arrived at Angra Pequena from Ascension, and loaded the wool from the shore; and assuming the fact that it had formed part of the "Tuscaloosa's" cargo, we are advised that this does not justify the capture of the "Saxon," even though a claim to the wool should be substantiated in the New York Prize Court.

We would further respectfully call your Lordship's attention to the circumstances attending the murder of the chief mate, which are of such a nature as we doubt not will demand the serious attention of Her Majesty's Government.

In reply to Mr. Hammond's inquiry as to the coals seized by the "Vanderbilt" (which question, as your Lordship will see, is quite apart from the seizure of the "Saxon" and murder of the mate), we have to inform your Lordship that the coals were not conveyed in the "Saxon," and on reference to our previous letter, it will be observed that when seized, they were stored on British Territory at Penguin Island.

We inclose copy of the claim for the coals, made on the United States Government, by Messrs. Anderson, Saxon & Co., and beg that your Lordship will take such measures in support of the claim, as may be deemed requisite.

We have, &c.

(Signed) SINCLAIR, HAMILTON, & CO.

 Inclosure 1 in No. 12.
Depositions of the Mate and Crew of the "Saxon."

[See Inclosures 2 and 3 in No. 10.]

 Inclosure 2 in No. 12.
Particulars of Claim of Messrs. Anderson, Saxon, & Co.

The United States Government, to Wm. Anderson, Saxon, and Co.

1863.

Dr.

Nov. 23.—To 250 tons Coal taken from Penguin Island by the boats and crew	
of the United States steamer "Vanderbilt," by order of	
Captain Baldwin, on the 31st Oct. last, at £6 per ton	£1,500
Cape Town.	

No. 13.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, January 30, 1864.

MR. CONSUL ARCHIBALD transmitted to your Lordship, in his despatch of the 5th of January, a copy of the deposition made by the second mate of the "Saxon," the case of which vessel forms the subject of my despatch to your Lordship, of the 21st of January, setting forth the circumstances under which the mate of that vessel was shot, on the occasion of her capture by Mr. Donohoe, an officer of the United States steamer "Vanderbilt."

I have received this morning the opinion of the Law Officers of the Crown, whom, as I acquainted you in my despatch, I proposed to consult with reference to that transaction, and I have now to state to you, that if the depositions of the second mate, David Aitchison, contains the truth, the United States Officer Donohoe, ought to be tried without delay for the wilful murder of an innocent British subject; and your Lordship will make a communication to that effect to Mr. Seward.

I transmit to your Lordship further statements respecting that transaction, which I have received since the date of my despatch.

I am about to consult the Law Officers again on the general question relating to the capture of the "Saxon," and the proceedings of the "Vanderbilt" in the matter, having received further information on the subject from the Colonial Office, and from the parties interested in the vessel; but in the meanwhile I must observe that the deposition of the second mate, Aitchison, although it throws no new light upon the cause of capture, imparts a still graver character to the case of the "Saxon," which was, independently of it, one that called for a prompt and careful investigation of all the proceedings of the United States steamer "Vanderbilt" in regard to that vessel.

I am, &c.
(Signed) RUSSELL.

No. 14.

Messrs. Sinclair, Hamilton, & Co. to Mr. Hammond.—(Received February 3, 1864.)

Sir,

11, St. Helen's Place, London, February 3, 1864.

WITH reference to the conversation Mr. Hamilton had with you last week, on the subject of the coals taken from Penguin Island by the United States steamer "Vanderbilt," when you expressed a doubt as to whether the Island was British Territory, we have to say that we are informed on good authority that a man-of-war was sent (we believe towards the end of 1861), to take possession, and the British Flag was hoisted in due form. Furthermore, the Colonial Government granted a lease of the island or a portion of it, to Messrs. Granger and Co., Merchants, Cape Town, who have ever since occupied it and carried on business there. Under these circumstances we trust Earl Russell will support Messrs. Anderson, Saxon, and Co.'s claim on the Government at Washington, for the value of their coals seized in so outrageous a manner by the "Vanderbilt."

We have, &c.
(Signed) SINCLAIR, HAMILTON & CO.

No. 15.

Mr. Hammond to Mr. Elliot.

Sir,

Foreign Office, February 5, 1864.

I AM directed by Earl Russell to transmit to you, to be laid before the Duke of Newcastle, the accompanying copy of a letter from Messrs. Sinclair, Hamilton, and Co., stating their reasons for believing Penguin Island to be British Territory; and I am to request that you will move his Grace to inform Lord Russell what answer should be returned to Messrs. Sinclair, Hamilton, and Co.

I have, &c.
(Signed) E. HAMMOND.

No. 16.

Lord Lyons to Earl Russell.—(Received February 7.)

My Lord,

Washington, January 26, 1864.

IN a despatch dated the 23rd ultimo, Mr. Consul Archibald reported to your Lordship the arrival at New York of the British barque "Saxon," in charge of a prize crew from the United States steamer "Vanderbilt," and in a despatch dated the 5th instant, Mr. Archibald forwarded to your Lordship a copy of a deposition made before him by the second mate of the "Saxon," from which it appears that the first mate, Mr. James Gray, had been fired at and killed by a Mr. Donohoe, one of the officers of the "Vanderbilt."

On being informed that the "Vanderbilt" had arrived at New York, I thought it right to address a note to Mr. Seward, inclosing a copy of the deposition, and expressing my expectation that the Government of the United States would immediately take measures to investigate this shocking occurrence, and to render prompt and effectual justice in the case. I have the honour to inclose a copy of the note.

I have, &c.
(Signed) LYONS.

Inclosure in No. 16.

Lord Lyons to Mr. Seward.

Sir,

Washington, January 19, 1864.

IT is my painful duty to submit to you an extract from a despatch from Her Majesty's Consul at New York, and an authenticated copy of a deposition, which will direct your attention to the circumstances under which Mr. James Gray, mate of the British barque, "Saxon," was killed by an officer of the United States ship "Vanderbilt," named Donohoe at Angra Pequena, somewhat more than two months ago.

I do not doubt that the Government of the United States will immediately take measures to investigate this shocking occurrence, and to render prompt and effectual justice in the case.

I understand that the "Vanderbilt" arrived at New York the day before yesterday.

Begging you to be so good as to send the authenticated copy of the deposition back to me.

I have, &c.
(Signed) LYONS.

No. 17.

Mr. Elliot to Mr. Hammond.—(Received February 8.)

Sir,

Downing Street, February 8, 1864.

I AM directed by the Duke of Newcastle to acknowledge your letter of the 5th instant, accompanied by one from Messrs. Sinclair, Hamilton, and Co., in which they say, with reference to Penguin Island, that they are informed on good authority, that a man-of-war was sent towards the end of 1861, to take possession, and that the British Flag was hoisted in due form, and a lease of the island, or a portion of it, granted to Messrs. Granger and Co., of Cape Town.

I am desired to acquaint you in answer, that in the month of June, 1861, in pursuance of previous orders duly given for the purpose by the Queen's Government, Her Majesty's ship "Furious," proceeded to the Island of Ichaboe, and took possession of it, and hoisted the British Flag, and that a lease of a considerable portion of that island was granted to the Messrs. Granger and Co. There would appear every probability, therefore, that this must be the proceeding of which a report has reached Messrs. Sinclair and Co. It is exceedingly unlikely that another man-of-war should have gone in the same year to another island, and have taken possession of it as a colony, without any knowledge of the fact at this department, and a lease have been granted there also to the same firm of Messrs. Granger, of Cape Town. The Proclamation of the Governor of the Cape of

Good Hope, professing to annex Penguin Island was not issued until August, 1861, which was some months after the "Furious" took possession of Ichaboe. But in order to omit no means of seeking all possible information bearing on the present case, the Duke of Newcastle has written to inquire whether or not the statement which has been made by the Messrs. Sinclair and Co., about the occupation of Penguin Island, is supported by any report in the records of the Admiralty.

I am, &c.
(Signed) T. FREDK. ELLIOT.

No. 18.

Messrs. Sinclair, Hamilton, & Co. to Earl Russell.—(Received February 8.)

My Lord, 11, St. Helen's Place, London, February 8, 1864.
REFERRING to our letter of 29th January, as to the capture of the barque "Saxon," by the United States steamer "Vanderbilt," we have now the honour to inform your Lordship, that the "Saxon," at the time of capture, was at anchor within a mile and a-half of Penguin Island, British territory.

We have, &c.
(Signed) SINCLAIR, HAMILTON, & CO.

No. 19.

Earl Russell to Lord Lyons.

My Lord, Foreign Office, February 11, 1864.
I HAVE to state to you that I approve the Note which you addressed to Mr. Seward on the 19th of January, a copy of which is inclosed in your Lordship's despatch No. 51 of the 26th ultimo, calling upon the Government of the United States to investigate the circumstances under which Mr. James Gray, mate of the British barque "Saxon," was killed by Lieutenant Donohoe, of the United States ship "Vanderbilt."

I am, &c.
(Signed) RUSSELL.

No. 20.

Mr. Elliot to Mr. Hammond.—(Received February 12.)

Sir, Downing Street, February 12, 1864.
WITH reference to the latter portion of my letter of the 8th instant, on the subject of the statement made by Messrs. Sinclair, Hamilton, and Company, that they believed Penguin Island to be British territory, I am directed by the Duke of Newcastle to acquaint you, for the information of Earl Russell, that the Lords Commissioners of the Admiralty have stated that there is no document in their department to show that Penguin Island, which is more than twenty miles south of Ichaboe, was visited by a ship of war in the year 1861; or, that Captain Jones, of the "Furious," called there on his way to take possession of Ichaboe.

I have, &c.
(Signed) T. FREDK. ELLIOT.

No. 21.

Earl Russell to Lord Lyons.

My Lord, Foreign Office, February 15, 1864.
I STATED to you in my despatch of the 30th of January that I was about to consult the Law Officers on the further papers which, since the date of my despatch

of the 21st of January, had been communicated to this office in the case of the capture of the "Saxon" by the United States steamer of war "Vanderbilt."

I now send to your Lordship copies of such of those papers as it is necessary that you should have in your possession.

The conclusions to which, after consulting the Law Officers of the Crown, I have come on the several points in this case are as follows:—

1. As regards the capture of the "Saxon," as Angra Pequena is not a British possession, but would seem to be a deserted spot, and as the Proclamation of Governor Grey of the 12th of August, 1861, purporting to extend the jurisdiction of the Crown over Penguin Island, was not previously authorized, and has not since been confirmed by Her Majesty, no violation of neutral or British territory appears to have taken place, and the jurisdiction of the United States Prize Court could not be contested on the assumption of such violation having been committed.

It seems, moreover, to have been admitted by one of the owners of the "Saxon" to Governor Wodehouse, that the vessel had been actually engaged in taking on board part of a prize cargo landed from the "Tuscaloosa," for the purposes of conveying it to market as the property of, and on account of, Captain Semmes, of the "Alabama."

Under these circumstances, Her Majesty's Government see no ground for seeking to withdraw the case from the jurisdiction of the Prize Court.

2. As regards the murder of the mate of the "Saxon," I have already instructed you, by my despatch of the 30th of January, to express to Mr. Seward the opinion of Her Majesty's Government that the officer of the "Vanderbilt," by whom that murder was committed, should be brought to trial without delay; and you will further state to the American Minister that pecuniary compensation to the widow ought to form part of the redress which the Government of the United States should make for this atrocious act of their officer.

3. As regards the coal taken by the "Vanderbilt" from Penguin Island, Her Majesty's Government cannot doubt that the Government of the United States will immediately make to the owners thereof full compensation for the value of the coal, and for the loss they may have sustained in consequence of the violent act of the commander of the "Vanderbilt" in appropriating it for the use of that vessel; but you will not fail to call the serious attention of Mr. Seward to the proceeding of the United States' officer, for which no justification or excuse can be discovered in any reports which have reached Her Majesty's Government in regard to those matters which form the subject of this despatch.

I am, &c.
(Signed) RUSSELL.

No. 22.

Lord Lyons to Earl Russell.—(Received February 16.)

My Lord,

Washington, February 1, 1864.

I HAVE the honour to enclose a copy of a note from Mr. Seward, acknowledging the receipt of the note respecting the killing of Mr. James Gray, first mate of the "Saxon," a copy of which was transmitted to your Lordship with my despatch of the 26th ultimo.

I have also the honour to enclose copies of a despatch from Mr. Consul Archibald and its inclosure, referring to this shocking event, and reporting the arrival of an agent to protect the interests of the owners in the judicial proceedings at New York concerning the capture of that vessel.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 22.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 30, 1864.

I HAVE the honour to acknowledge the receipt of your communication of the 19th instant, calling my attention to the circumstances under which Mr. James Gray, mate of

the British barque "Saxon," was killed by an officer of the United States ship "Vanderbilt;" and to inform your Lordship that I have laid before the Secretary of the Navy a copy of that communication, with a view to an investigation and such proceedings as the result may call for.

I have, &c.
(Signed) W. H. SEWARD.

P.S.—The certified copy of the Affidavit of David Aitchison is now returned, pursuant to your Lordship's request.

Inclosure 2 in No. 22.

Consul Archibald to Lord Lyons.

My Lord,

New York, January 25, 1864.

REFERRING to my despatch of the 5th instant, I have the honour to report to your Lordship that Stephen Shephard, master of the barque "Saxon," has arrived at this port from Cape Town, to protect the interests of the owners of the vessel who, having forwarded a power of attorney to Mr. Charles Edwards to represent them, my interposition on their behalf has been rendered unnecessary.

I am informed by Captain Shephard that the evidence of himself and of his crew, in reference to the capture of the "Saxon," and the shooting of the chief mate of that vessel, was taken in due form at Cape Town, and transmitted to England by Her Majesty's ship "Gorgon," which sailed from Cape Town about the last day of November.

I transmit, herewith enclosed, a copy of a letter, this day received by me, from Mr. Charles Edwards, the counsel for the claimants. In reference to the question of the seizure of the "Saxon" while in British waters (if the fact be so), I presume instructions from Her Majesty's Government will be received by the mail steamer "China," due at this port, in the course of the present week. Meantime, any interposition on this ground of claim, it appears to me, would be premature, and, indeed, without any evidence on which to base it.

I have not as yet been able to trace the steward of the "Saxon."

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 3 in No. 22.

Mr. Edwards to Consul Archibald.

Sir,

New York, January 24, 1864.

PERMIT me to ask whether the British Government has sent on any instructions to claim restitution of the British barque "Saxon," seized by the United States steamer "Vanderbilt," at Angra Pequena, Africa, which place I believe belongs to an independent chief, named David Christian, and is close upon Penguin Island (within two miles), the latter being, as I suppose, British; and if so, then the "Saxon" was seized in neutral British waters.

I am retained by the owners of the "Saxon," but consider he individually cannot take the benefit of seizure in neutral waters, and that the Government whose territory has been infringed, can alone do so, and therefore it is I respectfully ask the above.

I have had to interpose the best claim I could; which claimants of cargo are pressing for an adjudication.

If the British Government really intends to demand or intervene, then, there is no time to be lost.

You were so obliging as to allow me a copy of an affidavit made by the second mate of the "Saxon," taken before you, showing a seeming wilful shooting of her first mate by an officer of the "Vanderbilt," and I am trying to make use of it. But as this deposition was not sworn to before any United States judicial officer, it really cannot be used as evidence.

I have, &c.
(Signed) CHARLES EDWARDS.

No. 23.

Lord Lyons to Earl Russell.—(Received February 17.)

My Lord,

Washington, February 5, 1864.

WITH reference to my despatches of the 26th ultimo and of the 1st instant, I have the honour to transmit to your Lordship copies of further correspondence relative to the killing of Mr. James Gray, mate of the British barque, "Saxon," by an officer of the United States ship "Vanderbilt."

Your Lordship will perceive that a Court of Enquiry has been convened at Boston, for the purpose of investigating this unhappy occurrence, and that I have informed the United States Government that Mr. Shephard, the late master of the "Saxon," is at New York, and have suggested that he should be summoned to give evidence before the Court.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 23.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, February 3, 1864.

REFERRING to your Communication of the 19th ultimo, calling my attention to the circumstances under which Mr. James Gray, mate of the British barque "Saxon," was killed by an officer of the United States steamship "Vanderbilt," and to my reply, I now have the honour to inclose for your information the copy of a letter of yesterday, addressed to this Department by the Secretary of the Navy.

I have, &c.
(Signed) W. H. SEWARD.

Inclosure 2 in No. 23.

Mr. Welles to Mr. Seward.

Sir,

Navy Department, Washington, February 2, 1864.

I HAVE had the honour to receive your letter of the 28th ultimo, enclosing a copy of a communication from Lord Lyons in relation to an occurrence which took place on board the British barque "Saxon," on the west coast of Africa.

A Court of Enquiry, convened by order of the Department, is now assembled at the Navy Yard, Boston, for the purpose of investigating the particulars of the unfortunate occurrence referred to.

If there be any witness now in the United States, whose testimony in the case is considered material, he will be allowed his travelling expenses to and from Boston, at the rate of ten cents per mile, and two dollars per diem during his necessary attendance before the Court of Enquiry.

I have, &c.
(Signed) GIDEON WELLES.

Inclosure 3 in No. 23.

Lord Lyons to Consul Archibald.

Sir,

Washington, February 4, 1864.

I TRANSMIT to you a copy of a letter from the Secretary of the Navy to the Secretary of State, which was inclosed in a note from the Secretary of State, which I received last evening. Immediately after it reached me, I dispatched to you the following telegram :—

"Secretary of State informs me that a Court of Inquiry is now assembled at the

Navy Yard, Boston, to investigate the killing of the mate of the "Saxon," and that if there be any material witness in the United States, he will be allowed ten cents. per mile for his travelling expenses, and two dollars per diem during his attendance. Ought not Captain Shephard to attend?"

I am, &c.
(Signed) LYONS.

Inclosure 4 in No. 23.

Consul Archibald to Lord Lyons.

(Telegraphic.)

New York, February 4, 1864.

I THINK it sufficient to notify the Government that Sheppard is here. He will attend and give evidence if required on receiving a summons for that purpose.

Inclosure 5 in No. 23.

Lord Lyons to Mr. Seward.

Sir,

Washington, February 5, 1864.

WITH reference to the letter from the Secretary of the Navy, which you did me the honour to communicate to me with your note of yesterday, I hasten to inform you that Mr. Stephen Shephard, who was master of the "Saxon," when Mr. James Gray met with his death on board that vessel, is now at New York, and would doubtless be able to give very material evidence before the Court of Inquiry at Boston; and I have the honour to suggest to you to cause him to be summoned to attend the Court.

He can be heard of at Her Majesty's Consulate, at New York.

I have, &c.
(Signed) LYONS.

No. 24.

Messrs. Sinclair, Hamilton & Co., to Earl Russell.—(Received February 17.)

My Lord,

11, St. Helen's Place, London, February 17, 1864.

REFERRING to our letters of 4th and 29th January and 3rd instant, we have again the honour to request your Lordship's attention to the subject of the coals belonging to Messrs. W. Anderson, Saxon, and Co., taken from Penguin Island by the United States steamer "Vanderbilt."

We have to state in the first place that Messrs. Anderson, Saxon, and Co. had agreed to supply the "Vanderbilt," and had commenced putting coals on board in Table Bay before she left for Angra Pequena, but the Colonial authorities stopped the supply because the "Vanderbilt" had been previously coaled (also by Messrs. Anderson, Saxon, and Co.) within the prescribed time.

It will be seen from the deposition of Mr. Shepherd that Captain Baldwin was told at the time that the Island was British territory, when he replied, "I cannot help it; I want coal and must have it." And, no doubt, the coal he appropriated from Penguin Island was a very seasonable supply.

Observing that a question has been raised as to whether Penguin Island is British territory, we beg to inclose copy of Sir George Grey's Proclamation, dated 13th August, 1861, which we procured from the file at the Colonial Office, Downing-street. It will be seen that the Proclamation runs that Her Majesty's dominion and sovereignty was to take effect forthwith, and in pursuance of this a lease was granted in August 1861, of Penguin Island (and other Islands adjacent) to certain British merchants who have occupied the same ever since in the undisturbed exercise of their rights as lessees which had previously been disputed; the Proclamation, however, was subject to "Her Majesty's gracious confirmation and disallowance."

The coals were placed on Penguin Island by Messrs. Anderson, Saxon, and Co., in the full confidence that their property would be under the protection of the British flag, and if it be true, that by some oversight the Proclamation never was confirmed, neither

was it disallowed, and up to the present time the Islands in question have been treated as British territory by the Government authorities at the Cape.

We therefore submit that it would be a gross injustice if Messrs. Anderson, Saxon, and Co. are to be deprived of all protection for their property in consequence of this oversight, and trust your Lordship will support the claim which has been made upon the United States' Government.

We have, &c.
(Signed) SINCLAIR, HAMILTON & Co.

Inclosure in No. 24.

Extract from the Cape of Good Hope Government "Gazette" of August 13, 1861.

Proclamation.

By his Excellency Sir George Grey.

WHEREAS the Island of Ichaboe was on the 21st day of June last past taken possession of for and in the name of Her Britannic Majesty Queen Victoria, and declared a dependency of the Cape of Good Hope, and whereas it is expedient that subject to the pleasure of Her Majesty in that behalf her dominion shall also be declared over a cluster of small islands or rocks adjacent to the said Island of Ichaboe.

Now, therefore, I hereby proclaim, declare, and make known that the sovereignty and dominion of Her said Britannic Majesty Queen Victoria shall be, and the same are hereby declared over the following islands or rocks adjacent to Ichaboe, that is to say, Hollamsbird, Mercury Long Island, Seal Island, Penguin Island, Halifax, Possession, Albatross Rock, Pomona, Plumpudding and Roast Beef or Sinclair Island.

This Proclamation of Her Majesty's sovereignty and dominion to take effect forthwith, but to be subject to Her Majesty's gracious conformation and disallowance.

God save the Queen.

Given under the public seal of the Settlement of the Cape of Good Hope this 12th day of August, 1861.

(Signed) G. GREY, *Governor.*

By command of his Excellency the Governor.

(Signed) RICHARD SOUTHEY, *Acting Colonial Secretary.*

No. 25.

Mr. Hammond to Messrs. Sinclair, Hamilton & Co.

Gentlemen,

Foreign Office, February 20, 1864.

I AM directed by Earl Russell to acquaint you that the matters arising out of the seizure of the British vessel "Saxon," by the United States' man-of-war "Vanderbilt," to which you called his Lordship's attention in your several letters of the 4th and 29th of January, and 3rd, 8th, 12th, and 17th instant, have been fully considered by his Lordship in communication with the Law Officers of the Crown, who also had before them the information on the same matters which had reached Her Majesty's Government from other quarters.

The questions arising out of this transaction are three in number :—

1. The seizure of the vessel.
2. The death of the First Mate.
3. The coals taken by the "Vanderbilt" from Penguin Island.

As regards the first question, I am to state to you that Angra Pequena not being a British possession, and the Proclamation of Governor Grey, purporting to extend the jurisdiction of the British Crown over Penguin Island, not having been previously authorized or subsequently recognized by Her Majesty, there exists no ground for seeking to withdraw the case of the "Saxon" from the jurisdiction of the Prize Courts in the United States.

As regards the second question, I am to state to you that Lord Lyons has been instructed to express to the Government of the United States the opinion of Her Majesty's Government that if the facts deposed to by second mate Aitcheson are true, the officer who killed the first mate has been guilty of wilful murder, and should be brought to trial without delay. And it appears from despatches received from Lord Lyons, that without

waiting for instructions his Lordship at once represented the case to the United States' Secretary of State, and has received from him an assurance that a Court of Inquiry would be immediately held on the matter.

Lord Lyons has further been instructed to apply to the Government of the United States for pecuniary compensation to the widow of the deceased.

As regards the third question, Lord Lyons has been instructed to state to the Government of the United States that Her Majesty's Government cannot doubt that full compensation will be immediately made to the owners for the value of the coal and for the loss which the owners may have sustained by reason of its seizure.

I am, &c.
(Signed) E. HAMMOND.

No. 26.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

WITH reference to my despatch of the 15th instant I transmit to you herewith a copy of a further letter from Messrs. Sinclair, Hamilton and Co. respecting the coals taken by the United States steamer "Vanderbilt" from Penguin Island, together with a copy of a letter which I have caused to be addressed to them in reply to their various letters on the case of the "Saxon," of which copies have been sent to your Lordship.*

I have submitted the letters from these gentlemen to the Law Officers of the Crown, and in conformity with their opinion I have to repeat to your Lordship that Her Majesty's Government consider that the owners of the coals are entitled to full compensation for the unlawful seizure of their property by the commander of the "Vanderbilt;" and further, that your Lordship should address to Mr. Seward a direct remonstrance against the violent act of which that officer was guilty in seizing the coals.

I am, &c.
(Signed) RUSSELL.

No. 27.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

WITH reference to my previous despatch of this day's date, I inclose for your information copies of further papers,† as marked in the margin, relative to the case of the "Saxon."

I am, &c.
(Signed) RUSSELL.

No. 28.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

I TRANSMIT to you herewith a statement made to the Solicitor of the Treasury by Horace Carrew, late a seaman on board the "Saxon," respecting the murder of the chief mate of that vessel by an officer of the United States' steamer "Vanderbilt."

This statement, in the opinion of the Law Officers of the Crown, bears on the face of it evident signs of truthfulness, and throws more light upon this unhappy transaction than any of the statements previously in the possession of Her Majesty's Government, and your Lordship will make it known to Mr. Seward.

Steps will be immediately taken with the view of sending Carrew to the United States in order that his evidence may be taken on the inquiry which, as stated in your Lordship's despatch of the 5th instant, is to be held at Boston for the purpose of investigating this unhappy occurrence; and I have reason to expect that Aitcheson, the

* Nos. 24 and 25.

† Nos. 14, 15, 17, 18, and 20.

second mate of the "Saxon," whose deposition was taken by Mr. Consul Archibald, will be forthcoming, so as to admit of his proceeding to New York by the middle of next week.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 28.

Deposition of Horace Carrew.

HORACE CARREW, native of St. Helena, aged 21. Nearly all my life at sea. Was a sailor five years ago. In 1862 I was a seaman before the mast in the "Pioneer of London," bound to Natal. We were there wrecked, and I worked my way to Cape Town. At Cape Town I shipped in the "Saxon," on the 17th January, 1863. We were to take cattle and sheep from the Cape to Ascension for Her Majesty's Government. Shortly after that day we sailed, fully laden with cattle and sheep, and forage for their support on the voyage and at Ascension. We had no other cargo. We went to Ascension, returned to the Cape, took a similar cargo for Ascension, and the same again. It was on the third trip (backward from Ascension) that the "Saxon" was taken. We were coming back in ballast. We got as far south as the Cape, and were bound there (as far as the crew thought), and then we turned across the south-east trades. We knew then that we were not bound to the Cape, but we didn't know where. The first land we sighted was Possession Island just above (*i.e.* to south of) Angra Pequena. We went into the Bay and anchored. Two or three days after we went up another little bay, at the head of this big bay. We stayed eleven or twelve days painting the ship. Then we began to take in a lot of bales of skin and bales of wool from shore. They were on the rocks; here are no houses there. A small schooner (an Englishman—the "Atlas,"—of Cape Town, I knew the vessel) had come down when we had finished painting, and put three or four men ashore with provisions and a boat, and these men rolled the bales down to the beach and put them in our boats, and we shipped them. On the 30th or 31st October we had finished loading the vessel and the boat was coming off with the planks and ropes that we had taken (to make a sort of stage on shore), when we saw a large steamer rounding the point at the bottom of the large bay; and she anchored. She lowered two boats with armed crews. One she sent to Penguin Island, a little Island in this bay (where there was a lot of coals), and the other boat she sent to us. She was lying about two miles from us. The crew came up alongside and two officers boarded us. The senior officer went down into the cabin with our captain (Captain Shepherd). I was on deck; they remained about five minutes below. I won't be certain whether the other officer remained on deck or went below with the other. I saw the senior officer with our captain coming from the companion with a number of papers in his hand, and they walked together to the after hatch. The officer ordered our captain to have it opened (I heard this). It was opened by myself and another. The officer said, "What do you call that, captain?" (pointing to a portion of the cargo). The captain said, "Well I don't know, a mixture of cotton and wool or something. All I know is that I have come here to take it in." The officer said, "That will do. I'll take these papers, captain, on board the 'Vanderbilt,' and I'll leave this officer" (pointing to the junior officer, Mr. Donaghan) "in charge." He then turned to Mr. Donaghan himself, and said, "Don't allow that anchor to be weighed." Our captain said to him, "My ship is quite ready for sea; and I intend to go this afternoon." The officer said, "You can't; I've got your papers." Our captain said he would go, papers or not, as he was quite ready for sea. The captain said to us, "Go to dinner, men;" and the officer got into the boat, which was lying on the port side, about midships, and went aboard the 'Vanderbilt,' leaving Donaghan on board. We had begun weighing before the officers came on board, so as to have less chain to take in when we did start. We went to dinner, and after dinner—say an hour—we went to work, securing spars and water-casks and making everything fast. In less than half-an-hour after we had begun this, another boat came from the "Vanderbilt." Another officer came on board with the boat's crew, about a dozen, and they began battering about the deck, apparently taking charge of the ship. Our captain told us not to interfere. (Our crew consisted of twelve altogether, captain, mate, second mate, cook, boy, who acted as steward, carpenter, and six men.) We knocked off work when the captain told us. We did not interfere with them in any way. Some of us were on deck and others in the forecabin, when the men on shore (who had been helping us to load) came off to us in their boat, bringing fish. They asked our

captain if they could have any meat. The captain asked the senior American officer if they could have any? The officer said, "Yes." The men from the boat went forward to where the meat was kept (in tubs between the forecabin and the galley). One of the "Vanderbilt" men came and told the senior officer that these men were taking all the meat out of the ship. They were taking too much I suspect. The officer said, "I'll be damned if they shall have any, then." Our captain was standing by, and said, "I'll be damned if they shan't then." Our captain went to where the men were trying to pass the meat over the ship's side into the boat, and the men said to him, "What shall we do here? they won't let us take it?" The captain said, "Heave it into the boat; if they stop you, I can't help it." The American officer had followed Captain Shepherd. He said to Captain Shepherd, patting him on the shoulder, "You go aft, my fine fellow; you are giving too many orders here, or I'll soon put you where the dogs won't bark at you" (tapping with his other hand on his revolver, in his belt). The captain went aft (I believe he was confined to his cabin, but I didn't hear the order given myself; I was told that a sentry was put over him with a cutlass). The chief mate (Mr. James Gray) was for'ard at this time. I suppose that somebody had told him that the captain was confined to his cabin, for he was coming aft to speak to the captain (as far as I could see). There is a low poop, and a short ladder of three steps going up from the deck to the poop on each side of the raised top of the cabin, and from the poop you go down the companion into the captain's cabin. Mr. Gray had got two steps up the ladder, on the port side, his head was turned on one side looking towards the shore (which was about 200 yards off). The American senior officer was standing on the raised top of the cabin, having a look-out over the whole of the deck. Donaghan was standing on the poop, just above the three steps, on the port side, where Mr. Gray was coming up. When he had got up these two steps, Donaghan called out, "Go down." When Gray heard this, he turned his head and looked up at Donaghan, and Donaghan repeated the words "Go down," "Go down, or I'll shoot you." He didn't give the mate time to go down or do anything—he spoke so quick, it was all done in a moment, there was no attempt to resist, or go on, there wasn't time. When he spoke the third time, "Go down," he put his left hand on Gray and pushed him. Mr. Gray fell back, wheeling round to save himself as he fell, and turning his face towards Donaghan, when Donaghan lifted his revolver and shot him, and the poor man fell back dead, and never moved an eye. The bullet had entered above and a little behind the left ear, and went downward. He lay right on his back. I was seven or eight yards from him. I stepped for'ard with two of our men to pick him up, and the senior officer, who stood on the top of the cabin, sung out, "Draw swords." His men drew their swords. They were all gathered about aft—a good lot of men. I am not quite sure whether another boat's crew had come by this time from the "Vanderbilt." When the men had drawn their cutlasses they surrounded us, and presented their pistols at our breasts. They blackguarded us awfully, and asked one of the men whether we wanted to take the ship back. They drove us for'ard when they found that we didn't make any resistance. About five minutes afterwards I went aft with another man (W. Murray) to pick Mr. Gray up, who was still lying where he fell with his head supported by our captain and our second mate. The captain (who I heard afterwards had rushed by the man at his cabin, when he heard the shot fire) held the mate's head in his lap, and looked up and said, "What did you shoot my mate for?" Donaghan said, "I'm sorry for the man, but he should obey orders." Donaghan continued, "There's some damned humbug about that boat—five men came off, and there's seven going ashore (pointing with his revolver towards the boat of the men who had come for the meat and were returning). "We ought to go ashore and do for the bloody lot of 'em, they are all 'Alabama' men; that's one of the 'Alabama's' men, too," (pointing to the body of Mr. Gray). He was very much excited at the time; he had his revolver cocked, flourishing it about every way. Mr. Gray's body was put down the after-hatch. The crew were told not to come aft, unless we spoke to one of the sentries, whom they placed all over the ship. It was nearly 2 P.M. perhaps when Mr. Gray was shot. At 8 o'clock we were all sent below, and told not to come on deck, if we didn't want to be shot, without hailing the sentry first. They kept us below all night. In the forenoon next day our captain sent forward a slip of paper asking me (in pencil) to take account of everything that went on, as he was not allowed to write, and was closely watched. I made memorandums on papers (in pencil). I don't know what became of the papers—left on board the ship, I suppose; but I think I must have destroyed them,—no, I must have taken them away with me,—for in the vessel in which I went up to the Cape I copied the statements down from these papers. The copy that I made was given to one of the reporters of the paper when he came on board at Cape Town. I never saw it afterwards. I also signed on board the "Lord of the Isles" a

combined statement which I drew up, and which was signed by myself, and Murray, and Cable. It was given up, I believe, to the Governor or other authority at the Cape. The captain had it from us, and delivered it with his own to the port boat at the Cape. They kept us on board all that day (the day after the murder). In the afternoon, about dusk, they buried Mr. Gray. They brought a coffin from the "Vanderbilt," put it into a boat, and took the captain, but none of us, and went ashore, and buried the mate. We remained on board that night too. Next day we landed on the mainland all but the second mate (David Aitcheson, of Dundee) and the cook; they were to go to New York. They landed us with fourteen or fifteen lbs. of small biscuit and about five gallons of water. That day the "Saxon" went to sea. The "Vanderbilt" had weighed anchor and had gone out in chase of a vessel, but she returned and went inside Penguin Island, and took the coals. The captain knew that there was a guano island about ten miles off. We walked across, and waived to the people there, and they sent a boat and took us off. The island is close to the shore. The men that had come for the meat had gone there. We stayed on the island about two days, when the "Isabel" (an English schooner) came in and took us down to Ichaboe, another guano island. We partly loaded a brig there called the "Lord of the Isles," and went further down in the schooner, with the brig, to Hottentots' Bay, to fill up the brig, and then went in the brig to Cape Town. There was an investigation at the magistrate's court. I gave evidence, and the captain and the two men who were close to Mr. Gray when he was shot, William Murray and Richard Cable. We were sixteen days in Cape Town. Murray and Cable came home with me in the "Cambal," but I don't know where they are—shipped in another vessel, I suppose; but I don't know. We came to London on the 6th February. I have been living since at my mother's, 3, New Terrace, Turner Street, Stepney. I am looking for a vessel every day. I have told my story, as a yarn. One day I was telling the story to a friend. A gentleman was present. He was a perfect stranger to me. I said that I was thinking of giving my evidence as I heard that there was to be an investigation. He said, "You had better go to the Secretary of the Treasury." So I came here yesterday morning, and left my address:

Treasury, February 19, 1864.

No. 29.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 24, 1864.

WITH reference to my despatch of the 20th instant I have to state to your Lordship that the seaman Horace Carrew will proceed to New York from Liverpool to-morrow morning by the "Inman" steam-vessel, and I have furnished him with a letter to Mr. Consul Archibald, who will report to you his arrival and take your directions in regard to him.

I inclose a copy of a further statement made by Carrew to the Solicitor of the Treasury.

Mr. Archibald is instructed as to the pecuniary allowances to be made to Carrew.

It seems doubtful whether the mate Aitcheson will be able to return to New York.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 29.

Statement of Horace Carrew.

Treasury, February 23, 1864.

AFTER Mr. Gray was killed (a few minutes) I heard the second mate (Aitcheson) tell the senior officer (Lieutenant Keith) from the "Vanderbilt" that he heard him (Keith) give the order to fire.

Keith said: "I did not." Aitcheson said, "By God, you did." Donaghan did not say one thing or the other.

I think that Aitcheson was mistaken. I didn't hear Keith give any such order, and I think I should have heard it if he did. I was near enough. There were only three of us at hand when Gray was killed. Murray and Cable were nearer than I. We ran forward when the man fell. There was nothing like a rush, or a show of violence, or

threats of any sort. It would have been folly indeed, for none of us had arms. I have heard that these skins were from Monte Video, the cargo of the "Tuscaloosa" which the "Alabama" had captured, and that she had brought the cargo into this little snug spot, and I suppose that our captain had heard of it. He told Lieutenant Bell of the "Vanderbilt" (who first came on board) that he was bound for Falmouth for orders (I heard the captain of our vessel had so said in giving his evidence at the Cape).

NORTH AMERICA.

No. 2. (1864.)

Correspondence respecting the Capture of the
“Saxon” by the United States’ ship “Vander-
bilt.”

*Presented to the House of Commons by Command
of Her Majesty. 1864.*

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